

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.636 of 2017

Arising Out of PS.Case No. -118 Year- 2016 Thana -SAHPUR District- PATNA

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1. Pramila Devi w/o Sri Gorakh Rai
2. Subhnath Kumar @ Samrath Kumar s/o Sri Gorakh Rai
3. Gorakh Rai s/o Late Ganesh Rai
4. Mullu Kumar s/o Sri Gorakh Rai All are residents of village -
Mubarakpur, P.S. - Shahpur, District - Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar, Advocate
For the Informant : Mr. Ras Bihari Thakur, Advocate
For the Opposite Party/s : Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-02-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Shahpur P.S.Case No. 118 of 2016 registered for the offences punishable under Sections 498A and 304B/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioner No.1 is mother-in-law, petitioner No.3 is father-in-law and petitioners Nos. 2 and 4 are brothers of husband of the deceased and though earlier this case has been lodged under Section 304B IPC but later on it has been converted to Section 302 IPC. It has further been submitted that there is omnibus allegation



against all the accused persons that they have strangled the deceased and caused her death and no specific overt act has been alleged against any of the petitioners. It has further been submitted that petitioners Nos. 2 and 4 are brothers-in-law having no concern with the affairs of the husband of the deceased.

Heard learned APP and learned counsel for the informant also, who have opposed the prayer for bail.

Having heard both sides and considering the fact that petitioners Nos. 2 and 4, brothers-in-law of the deceased, having no concern with the affairs of the husband of the deceased, let petitioners Nos. 2 and 4, named above, in the event of their arrest or surrender in the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.35,000/- (Rupees thirty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, in connection with Shahpur P.S.Case No. 118 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the further conditions that the petitioners Nos. 2 and 4 shall co-operate in the investigation and make themselves available before the police as and when required



and in the event of failure on their part to appear before police on two consecutive dates, without showing any genuine reason, prosecution shall be at liberty to move for cancellation of their bail bonds.

So far as prayer for anticipatory bail on behalf of petitioners Nos. 1 and 3 is concerned, they being mother-in-law and father-in-law, their prayer for anticipatory bail is rejected.

However, they may surrender in the court below and prayer for bail, which shall be considered by the court below on its own merit, without being prejudiced by this order.

With the aforesaid observations, this application is disposed of.

(Vinod Kumar Sinha, J)

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