IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38518 of 2017

Arising Out of PS. Case No.-64 Year-2017 Thana- SIDHWALIA District- Gopalganj

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1. Babita Devi, wife of Late Navin Kumar
2. Rajdeo Singh, son of Late Mohar Singh
3. Meera Devi, wife of Rajdeo Singh All resident of Village- Hasanpur Nayaka Tola, P.S.- Sidhwalia, District- Gopalganj.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Virendra Kuar
For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 30-10-2017 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sidhwalia Police Station Case No. 64 of 2017, disclosing offences under Sections 328/302/34 of the Indian Penal Code.

The petitioner no. 1 is the wife of the deceased; whereas petitioner nos. 2 and 3 are the father and mother of petitioner no. 1, respectively.

Allegedly, the petitioners administered poison to the deceased, leading to his death. The reason, which has been assigned for administering poison, is that the deceased had given a sum of Rs. 50,000/- to his in-laws, which they were not

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returning and when he insisted, they administered poison.

Learned Counsel appearing on behalf of the petitioners has submitted that the case of the prosecution is apparently absurd and highly improbable. He has submitted that the allegation is based on conjectures and surmises. He has also submitted that there is no chance of the petitioners fleeing from the course of investigation, if allowed privilege of anticipatory bail.

Considering the nature of accusation, I find that an exceptional case for grant of anticipatory bail is made out, though the First Information Report has been registered for the offences punishable under Section 302 of the Indian Penal Code.

This application is accordingly allowed.

Let the petitioners, namely, Babita Devi, Rajdeo Singh and Meera Devi, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Sidhwalia Police Station Case No. 64 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall

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present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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