IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17900 of 2017

Arising Out of PS.Case No. -22 Year- 2016 Thana -CHEWARA District- SHEIKHPURA

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1. Kishori Yadav, Son of Late Ragho Yadav,
Resident of Village-Kurmuri, P.S.-Karandey, District-Sheikhpura.
2. Babita Devi, Wife of Prakash Yadav
3. Prakash Yadav @ Chhabila, Son of Kishun Yadav
Both are Resident of Village-Dumar Tola, P.S.-Khaira, District-Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Shri S.K. Lal
Mr. Pritish Kumar Lal
For the Opposite Party/s : Shri Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-07-2017 Heard Sri S.K. Lal, learned counsel, assisted by Sri Pritish Kumar Lal, learned counsel for the petitioners and learned Additional Public Prosecutor.

Three petitioners, who are father, sister and husband of deceased's sister respectively, have prayed for grant of anticipatory bail in Chewara P.S. Case No. 22 of 2016 arising out of Complaint Case No. 229 (C) of 2016 registered for the offence under Section 149, 341, 302, 406, 420/34 of the Indian Penal Code , 1860.

At the very outset , learned counsel for the petitioners has drawn my attention to Annexure '3' to the petition i.e. copy of

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F.I.R. of Chewara P.S. Case No. 19 of 2016 registered for the offence under Section 498(A)/ 326(A)/ 307 / 34 of the Indian Penal Code, 1860 . This F.I.R. was lodged on the basis of fardbyan of the deceased , which was recorded on 15.6.2016 in which she alleged that she was put on fire by her husband who is informant in the present case and his other family members. It has been argued that only with a view to save his own skin the informant filed a false complaint case vide Complaint Case No. 229 (C) of 2016 on 30.6.2016, which was referred to the Police and as such , under Section 156(3) of the Cr.P.C. the present F.I.R. was lodged. He submits that it was out and out a false case since victim (deceased) had received injuries on 11.5.2016 even as per the complaint petition itself and she was admitted in a hospital where fardbyan of the victim was recorded.

Considering the fact that petitioners are father and other close relatives of the deceased, on whose fardbyan earlier F.I.R. was lodged against the informant of the present case and his other family members, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let aforesaid three petitioner Kishori Yadav, Babita Devi, Prakash Yadav @ Chhabila be

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enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – III, Sheikhpura / concerned court in connection with Chewara P.S. Case No. 22 of 2016 arising out of Complaint Case No. 229 (C) of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

Praful/-

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