

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27259 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -CHAPRA TOWN District- SARAN

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1. Shivjee Rai, son of late Dinanath Rai.

2. Shivpari Devi, wife of Shivjee Rai.

3. Krishna Rai, son of Shivjee Rai.

4. Parwati Devi, wife of Krishna Rai.

All are resident of Mohalla Bara Telpa (Mathia), near Kabristan, P.S. Chapra Town, District Saran.

5. Santosh Rai @ Santosh Kumar, son of Shivjee Rai, resident of Vill-Dhamsar, P.S. Janta Bazar, District Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva

For the Opposite Party/s : Mr. Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-07-2017

Heard the parties.

This application, for grant of anticipatory bail, arises out of Chapra Town P.S. Case No. 43 of 2017, disclosing offences under Sections 304B and 498A/34 of the Indian Penal Code and ¾ of the Dowry Prohibition Act.

Petitioner No. 1 is the father-in-law, petitioner No.



2 is the mother-in-law, petitioner No. 3 is the brother of the husband of the deceased, petitioner No. 4 is the wife of petitioner No. 3 and petitioner No. 5 is the maternal nephew of the husband of the deceased.

The complainant's daughter died on 14.10.2016, whereas, the complaint petition, leading to registration of Chapra Town P.S. Case No. 43 of 2017, was filed on 04.01.2017, as contended on behalf of the petitioners.

Learned counsel for the petitioners has submitted that the complainant had earlier lodged an FIR, bearing Chapra P.S. Case No. 483 of 2016, on 14.10.2016 itself, but no allegation against these petitioners was made in the said FIR and the allegations were made only against the husband of the deceased. He has submitted that the complainant did not disclose the fact that earlier FIR was lodged on 14.10.2016 in the complaint petition. It has also been submitted that implication of these petitioners is only because they are family members/relatives of the husband of the deceased.

In my view, a case for grant of anticipatory bail is made out on the basis of the facts as have been noted above and submission so advanced on behalf of the petitioners. This application is, accordingly, allowed. Let the petitioners, above



named, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Saran at Chapra**, in connection with **Chapra Town P.S. Case No. 43 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 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)

Praveen-II/-

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