IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29966 of 2017

Arising Out of PS.Case No. -157 Year- 2016 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Gajendra Rai, son of Satyadeo Rai,
2. Satyadeo Rai @ Satendra Rai, son of late Yamuna Rai,
3. Radhika Devi, wife of Satyadeo Rai,
4. Pappu Rai, son of Satyadeo Rai,
5. Dharmendra Rai, son of Satyadeo Rai,
6. Santosh Rai, son of Satyadeo Rai, all resident of village-Gorauli, P.S.- Baikunthpur, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Smt. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 06-09-2017 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in Baikunthpur P.S. Case No.157 of 2016 instituted for the offence under Section(s) 304-B, 201/34 Indian Penal Code.

It is alleged that sister of the informant was married with petitioner No.1 in the year 2012. The accused persons were not keeping her properly. The informant got information on 03.08.2016, when the deceased was pregnant, that the accused persons had killed his sister and have cremated the dead body without informing them.

Counsel for the State has submitted that in the case

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diary there is no post mortem report.

In the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to petitioner No.1-Gajendra Rai, who is husband of the deceased. Accordingly, his prayer for grant of anticipatory bail is rejected.

Petitioner No.1 may surrender before the Court and seek regular bail which shall be considered and disposed of by the Court below in accordance with law without being prejudiced by this order.

So far as petitioner Nos.2 to 6 are concerned, they are the family members of the husband of the deceased. There is general and omnibus allegation against them.

In the facts and circumstances of the case, prayer of the petitioner Nos.2 to 6 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner Nos.2 to 6, named above,** within six weeks from today in connection with Baikunthpur P.S. Case No.157 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having

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sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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