

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9598 of 2017

Arising Out of PS.Case No. -146 Year- 2016 Thana -BABUBARHI District- MADHUBANI

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1. Ram Pabitra Tiwari, son of late Pulkit Tiwari,
 2. Nandani Devi, wife of Ram Pabitra Tiwari, both are resident of village-
Panchrukhi, P.S.- Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 01-07-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Babubarhi
P.S. Case No.146 of 2016 instituted for the offence under
Section(s) 302, 201/34 Indian Penal Code.

Petitioner No.1 is husband of the deceased and
petitioner No.2 is second wife of petitioner No.1.

As per written report, the petitioners and other
accused persons caused death of sister of the informant by
administering poison.

Learned counsel for the Petitioners has submitted
that the marriage had taken place 20-25 years ago. Thereafter,
with consent of first wife, petitioner No.1 performed second
marriage since there was no issue from first wife. Both wives



were living together. The deceased died due to kidney problem in support of which medical documents have been filed along with bail petition. It has further been submitted that in the case diary independent witnesses in para 24, 25, 26 have stated that they were living happily. Informant has also filed an Affidavit in the Court below stating therein that his sister died on account of kidney problem and he has lodged the case on wrong information.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Babubarhi P.S. Case No.146 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 Additional Chief Judicial Magistrate, II, Madhubani, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having 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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