

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45086 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -PIRPAINTI District- BHAGALPUR

- =====
1. Chandan Mandal, son of Bhim Mandal
 2. Bhanu Mandal, son of Bhim Mandal
 3. Rekha Devi, w/o Bhanu Mandal
 4. Shivali Devi, w/o Bhim Mandal, all are resident of village- Bhakharpur,
P.S. Pirpainty, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 03-11-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Pirpainty (Bhakharpur) P.S. Case No.41 of 2017** instituted for the offence under Section(s) 304-B Indian Penal Code.

As per prosecution case, victim was married with Petitioner No.1. Petitioner No.1 and other family members were demanding rupees sixty thousand and due to non fulfillment of demand victim was tortured in her *Sasural*. She was killed on 14.02.2017 in her *Sasural* by pressing her neck. Phone call was made by the mother-in-laws (Petitioner No.4) to the Informant upon which Informant and other family members came to *Sasural* of her daughter and found the door locked.



Case diary has been received. Learned APP has submitted that the doctor in the post mortem report has found suspected case of poisoning. Various viscera have been preserved.

Counsel for the petitioner has submitted that Compromise Petition has been filed in the Court below which has been annexed as Annexure-2.

From perusal of allegation in the written report and post mortem report, this Court finds that the deceased died unnatural death in her *Sasural*. Doctor has found suspected case of poisoning and viscera have been preserved.

There is specific allegation against husband (Petitioner No.1) and mother-in-law (Petitioner No.4).

In view of such, this Court is not inclined to extend privilege of anticipatory bail to the Petitioner Nos.1 and 4. Accordingly, prayer of the Petitioner Nos.1 and 4 for grant of anticipatory bail is rejected.

They may surrender before the Court below and seek regular bail which shall be considered and disposed off in accordance with law without being prejudiced by this Court.

So far as petitioner No.2, Bhanu Mandal, and Petitioner No.3, Rekha Devi, are concerned, they are brother-in-



law and sister-in-law 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 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos.2 and 3, named above, within six weeks from today in connection with **Pirpainty (Bhakharpur) P.S. Case No.41 of 2017**, 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, XI, Bhagalpur**, 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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