

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38309 of 2017

Arising Out of PS.Case No. -113 Year- 2017 Thana -AKBARPUR District- NAWADA

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1. Raj Kumar Prasad @ Raj Kumar Son of Late Ishwari Prasad
2. Manju Devi, Wife of Late Ishwari Prasad Both Resident of Village-
Shivpur, P.S.-Rajauli, District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Akbarpur P.S. Case No. 113 of 2017 instituted for the offence under Sections-304, 328, 34 of the Indian Penal Code.

Counsel for the petitioners has submitted that mere suspicion has been raised against them. Petitioners are mother-in-law and brother-in-law of the deceased.

The informant has alleged in the written report that due to torture and ill behaviour of her daughter-in-law and daughter-in-law's brother, she was living in the house of her brother in village-Sihas for six years. She learnt on 12-06-2017 that brother-in-law of her son namely Raj Kumar Prasad and his mother murdered his son by giving poison. As such, suspicion has been raised against these petitioners.

Case diary has been received wherein the doctor in



postmortem report has stated that various viscera has been preserved and cause of death could not be ascertained.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Akbarpur P.S. Case No. 113 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Nawada subject to condition as laid down u/S 438(2) of the 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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