

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35903 of 2016

Arising Out of PS.Case No. -50 Year- 2016 Thana -NAWADA MUFFASIL District- NAWADA

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1. MANNU RAUT @ ABHIMANYU PRASAD @ABHIMANYU KUMAR SON OF LATE RAGHU NANDAN RAUT.
 2. NIRAJ KUMAR SON OF MANNU RAUT @ ABHIMANYU RAUT. BOTH RESIDENT OF VILLAGE- DARUARA, P.S.- NOORSARAI, DISTRICT- NALANDA (BIHAR) AT PRESENT RESIDING AT VILLAGE- AMERICA BIGHA, P.S.- NAWADA (MUFFASSIL), DISTRICT- NAWADA (BIHAR).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. A.K.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Nawada (Muffasil) P.S. Case No. 50 of 2016 for the offences punishable under sections 498 (A), 304 B and 34 of the I.P.C and section 34 of the Dowry Prohibition Act.

Allegedly, the sister of the informant was killed within one year of the marriage for non fulfillment of dowry demand by the petitioners and other in-laws including the



husband.

Submission is of false implication and that petitioner no.2 is handicapped, there is no specific allegation, the allegations are omnibus and general in nature, in paragraph- 79 of the case diary it has come that the deceased committed suicide but inspite of that charge sheet has been submitted under section 304 (B) of the I.P.C. ignoring the hard fact, the petitioners have got no concern with the family affairs of husband of the deceased, the husband is already in custody and as such these petitioners also deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the Informant opposes prayer for bail by submitting that considering seriousness of the allegation the prayer for regular bail of mother-in-law Uasha Devi has already been rejected vide Cr. Misc. No. 35582 of 2016 by order dated 20.10.2016 by another co-ordinate Bench of this Court and as such these petitioners who are father-in-law and Devar did not deserve sympathetic consideration.

In the facts and circumstances as stated above, considering the nature of allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned



case pending in the court of C.J.M. Nawada.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merits, preferably on the same day, without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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