

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36955 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -ITADHI District- BUXAR

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1. Jawahar Lal Dubey @ Tuntun Dubey, son of late Kashi Nath Dubey
 2. Laxmi Devi, wife of Jawahar Lal Dubey @ Tuntun Dubey
 3. Ramu Dubey @ Ram Dubey, son of Jawahar Lal Dubey @ Tuntun Dubey
 4. Bhola Dubey, son of Jawahar Lal Dubey @ Tuntun Dubey
- All residents of village Jalwasi, P.S. Itarhi, Distt. Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Tiwary, Advocate.

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

For the Informant : Mr. A.K. Tiwary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioners, learned counsel
for the informant and the State.

The petitioners apprehend their arrest in Itarhi P.S. Case No. 93 of 2017 instituted for the offence under Sections 304(B), 201, 34 and 120(B) of the Indian Penal Code.

It has been submitted on behalf of the petitioners that they are parents-in-law, elder brother-in-law (Bhainsur) and younger brother-in-law (Dewar) of the deceased. They have no concern with affairs of the husband and wife. It has further been submitted that the husband is already in custody. The girl was cremated as she died on account of illness, in support of which, he has annexed Annexure 3 which is the receipt from the Nagar Parishad, Buxar.

Learned counsel for the opposite party No. 2 has appeared



and opposed prayer for anticipatory bail. He has submitted that the defence as taken by these petitioners has been doubted by the learned Sessions Judge, in the impugned order.

From perusal of allegation in the written report, there is general and omnibus allegation against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Itarhi P.S. Case No. 93 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Chief Judicial Magistrate, Buxar, 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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