

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75202 of 2018

Arising Out of PS. Case No.-259 Year-2018 Thana- RAMGARH District- Bhabhua (Kaimur)

1. Lalita Devi, Wife of Sri Brij Bihari Tiwary, Resident of Village-Sarai, P.S.- Ramgarh, District-Kaimur (Bhabhua), at Present residing at Shanti Nagar, Wyra, District-Khammam (Andhra Pradesh).
2. Bandana Devi, Wife of Sunil Tiwary,
3. Sunil Tiwary, Son of Brij Bihari Tiwary, Both Resident of Village-Sarai, P.S.- Ramgarh, District-Kaimur (Bhabhua).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary

For the Opposite Party/s : Mr.Sri Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The petitioners is seeking anticipatory bail in connection with Ramgarh P.S. Case No. 259/2018 registered under Sections 306/34 of the Indian Penal Code.

Learned counsel for the petitioners has drawn attention of this court towards the fardbeyan of the informant namely Satyendra Dubey. Learned counsel submits that a bare perusal of the fardbeyan would show that the entire allegations are directed against the husband. It is stated that the informant got an information with regard to hospitalization of his daughter and 2 ½ years old niece through the son-in-law, Anil Tiwary



who was residing at Varanasi.

Learned counsel submits that so far as these petitioners are concerned, petitioner no. 1 is the mother-in-law who is residing at Shanti Nagar, Wyra, District – Khammam (Andhra Pradesh), petitioner no. 2 is the wife of the elder brother of the husband and petitioner no. 3 is the elder brother who are living separately in mess and business as they are stationed in the village.

Learned counsel submits that the son-in-law and daughter of the informant were residing at Varanasi and the alleged occurrence took place at Varanasi. It is submitted that these petitioners have been falsely implicated alleging that they had conspired in abating the offence.

Learned counsel representing the informant instead of submitting on merit of the case has centered his arguments towards his submissions that the F.I.R. was lodged after taking his signature on blank paper at Mohania. Learned counsel for the informant however does not dispute the position that petitioner no. 1 is living at Andhra Pradesh whereas the son-in-law and daughter of the informant were living at Varanasi.

Learned counsel for the State is present and has opposed the prayer of anticipatory bail of the petitioners.



In the facts and circumstances of the case where it appears *prima facie* that the son-in-law and daughter of the petitioner were residing at Varanasi whereas the petitioners are residing elsewhere, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Ramgarh P.S. Case No. 259/2018, subject to condition that petitioner shall join investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of bail. This will be in addition to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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