

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18472 of 2018

Arising Out of PS.Case No. -326 Year- 2011 Thana -MUFFASIL District- AURANGABAD

- =====
1. Laljee Choudhary, S/o Sukhari Choudhary,
 2. Sukhari Choudhary S/o Late Kanhai Choudhary,
 3. Dukhani Devi W/o Sukhari Choudhary,
 4. Ramjee Choudhary S/o Sukhari Choudhary,

All R/o Village- Mirjapur, P.S.- Tilauthu, District- Aurangabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-04-2018

Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Aurangabad (M) P. S. Case No. 326 of 2011 registered under Section 304-B read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that though the informant alleged a case of dowry death, on completion of investigation, the police found the accusation to be false and a final report was submitted, which was also accepted by the learned Chief Judicial Magistrate. It is



further submitted that after acceptance of final report, the case has been proceeded on the basis of complaint in which after conducting inquiry, the petitioners have been summoned in exercise of powers conferred under Section 204 of the Cr.P.C.

On the other hand, learned Additional Public Prosecutor for the State submitted that since the witnesses have supported the case in course of inquiry conducted under Section 202 of the Cr.P.C., the learned Chief Judicial Magistrate has rightly summoned the petitioners to face trial. He submitted that the offence alleged is serious in nature, hence, the prayer for pre-arrest bail be rejected.

I have heard learned counsel for the parties and perused the record.

Regard being had to the fact that the police investigation culminated into submission of final report holding the petitioners to be innocent, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Aurangabad in Aurangabad (M) P. S. Case No.



326 of 2011, subject to the conditions as laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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