

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6828 of 2018

Arising Out of PS.Case No. -827 Year- 2015 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Maya Devi, W/o Mritunjay Pandey.
 2. Dhananjay Pandey, S/o Gobardhan Pandey, Both resident of Village-
Chhariyari, P.O. & P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bachaspati Pandey, S/o- Late Kamala Pandey, resident of Village-
Saraiya, P.S.- Dariyapur, District- Chhapara (Saran).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners apprehend their arrest in connection
with Complaint Case No.827 of 2015/Tr. No.1692 of 2016
registered under Sections 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far
as these two petitioners are concerned, petitioner no.1 happens to
be the married sister only and petitioner no.2 is the brother-in-law
of the deceased. It is submitted that initially the F.I.R. was lodged
under Sections 304(B)/34 of I.P.C., however, in course of
investigation, police found that the death had taken place due to



heart failure and a final form was submitted accordingly. Later on, a protest was filed by the informant and thereupon cognizance has been taken by the learned Magistrate and these petitioners have been called upon to face the trial.

Learned counsel for the State is present and submits that earlier police had filed final form showing the heart failure as the cause of death, but then the learned Magistrate has taken cognizance on the basis of the materials which were placed before him by filing a protest petition.

Considering the facts and circumstances that these petitioners are said to be the sister-in-law and brother-in-law respectively of the deceased and they are married as also that earlier police had in course of investigation submitted a final form giving a different cause of death at this stage, I am inclined to grant privilege of anticipatory bail to the petitioners.

In case of their arrest/surrender before the court below within four weeks, let the above named petitioners be enlarged on bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No.827 of 2015 (Tr. No.1692 of 2016), subject to the condition as laid down under Section 438(2)



of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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