

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44709 of 2018

Arising Out of PS. Case No.-23 Year-2018 Thana- ALIPUR District- Gaya

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1. Manchan Singh, Son of Sri Shivpujan Singh.
 2. Shivpujan Singh, Son of Late Babulal Singh.
 3. Smt. Runi Devi, Wife of Sri Birendra Singh.
 4. Ruma Kumari @ Vma Kumari, Daughter of Sri Shivpujan Singh, All residents of Village- Kutulpur, Police Station- Alipur in the District of Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 498A and 304B/34 of the Indian Penal Code.

Allegation against the petitioners is of committing torture, assault and thereafter committed murder of the victim due to non-fulfilment of demand of dowry.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the



present case. There is no substantive evidence to suggest their implication in the present case. The petitioner no. 1 on the alleged date of occurrence was not present at the place of occurrence rather he was admitted for treatment in the Haryana. As far as petitioner nos. 3 and 4 are concerned, they are ladies.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. There is specific allegation against the petitioners. Petitioner no. 1 is the husband of the deceased. The onus is on him to explain the cause of death. The alibi taken by the petitioner cannot be decided in the anticipatory bail application. The defence of the petitioners can only be taken into account at the time of trial.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner nos. 1 and 2. Prayer is rejected.

So far petitioner nos. 3 and 4, above named are concerned, in the event of arrest/surrender before the learned court below within a period of six weeks from today, they be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -II, Gaya in connection with Alipur P.S. Case No. 23/2018 giving rise to



G.R. No. 1917/18, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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