

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53233 of 2018

Arising Out of PS. Case No.-115 Year-2017 Thana- PIPRAKOTHI District- East Champaran

1. Bachi Devi W/o Bharat Sahni.
2. Suniti alias Priyanka Devi W/o Anaras Sahani. Both resident of Village- Madhu Chhapara, P.S.- Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amir Alam

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 304(B), 201/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners caused death of the daughter of the informant due to non-fulfilment of demand of dowry.

Earlier the anticipatory bail application of the petitioners was rejected by order dated 16.01.2018 passed in Cr.Misc.No.2745 of 2018.

A supplementary affidavit has been filed on behalf of the petitioners. Same be kept on the record.



Annexure-5 to the supplementary affidavit is the deposition of the informant made on 03.08.2018 in respect of trial of the husband of the deceased. The informant has retracted from his earlier statement made in the F.I.R. In course of trial the informant has been declared hostile. Hence, the present application has been preferred taking the evidence of the informant as a fresh ground.

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. The petitioner No.1 is the mother-in-law and petitioner No.2 is the Gotani of the deceased. Both are ladies. They are separate in mess and property from the husband of the deceased. In course of trial, the informant has already retracted from his earlier statement made in the F.I.R., which is evident from Annexure-5 to the supplementary affidavit.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Piprakothi P.S. case No.115 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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