

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57237 of 2018

Arising Out of PS.Case No. -103 Year- 2018 Thana -MAHARAJGANJ District- SIWAN

- =====
1. Dina Nath Yadav @ Dinanath Ray, S/o Birendra Rai
 2. Rameshwar Kr. Yadav @ Rameshwar Yadav @ Ishwar Ray, S/o Birendra Rai,
 3. Sukesh Kumar Yadav @ Sukesh Ray @ Sukesh Kumar, S/o Birendra Rai,
 4. Birendra Yadav @ Virendra Ray, S/o Ramdeo @ Ramdeo Rai,
 5. Phuleshra Devi @ Laichi Devi, W/o Ramdeo Rai,
 6. Kanti Devi @ Kunti Devi, W/o Birendra Ray.

All resident of Village- Nerua, P.S.- Maharajganj, District- Siwan.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma

For the Opposite Party/s : Smt Renu Kumari

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 20-09-2018

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Maharajganj P.S. Case No. 103 of 2018 registered for the offences punishable under Sections 304-B, 201/34 of the Indian Penal Code.



Petitioner no. 1 is husband whereas rest petitioners are in-laws of daughter of informant and it is admitted case of the prosecution that marriage of informant's daughter was solemnized in the year 2004 with petitioner no. 1 and she died in the year 2018 but even then the Officer in charge of Maharajganj police station lodged the case for the offences punishable under Sections 304-B, 201/34 of the Indian Penal Code. The aforesaid fact goes to show that the concerned Officer in charge does not know ABCD of law.

The learned Sessions Judge, Siwan rejected the anticipatory bail of the petitioners only on the ground of surmises and conjectures, particularly, taking note of this fact that up till now, final form has not been submitted. In my view, the learned Sessions Judge, Siwan should have applied his judicial mind while considering the prayer of the petitioners.

However, considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on 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 Chief Judicial Magistrate, Siwan in



Maharajganj P.S. Case No. 103 of 2018 subject to conditions as
laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

U		T	
---	--	---	--

