IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26291 of 2018

Arising Out of PS.Case No. -364 Year- 2014 Thana -BIRAUL District- WEST CHAMPARAN (BETTIAH)

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1. Prem Lal Yadav, son of Late Singeshwar Yadav.
2. Umda Devi, wife of Prem Lal Yadav.
3. Meera Devi, wife of Bharoshi Yadav @ Ram Bharosh Yadav.
4. Bharoshi Yadav @ Ram Bharosh Yadav, son of Prem Lal Yadav.
5. Satya Narayan Yadav, son of Prem Lal Yadav.

All are resident of Village- Sauoa, Police Station-Biraul, District-Darbhanga.

.... Petitioners

Versus

The State of Bihar. .... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Biraul P.S. Case No. 364 of 2014 registered under Sections 302 and 201 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that admittedly the daughter of the informant was

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married to petitioner no.5 Satya Narayan Yadav about nine years prior to her death. Petitioner no.5 and deceased were blessed with a son aged seven years and a daughter aged about five years. It is admitted in the first information report that subsequent to her marriage and birth of her son, she was not maintaining proper health. He submitted that after she died a natural death, a false case was instituted under Section 302 of the Indian Penal Code, which was duly investigated by the police and on completion of investigation, police found the allegations made in the first information report to be a mistake of fact. He submitted that though the petitioners were not sent up for trial, learned Magistrate merely upon the basis of the statement of the informant differed with the police report and took cognizance of the offences.

On the other hand, learned counsel for the State submitted that it is a case of serious nature and since the learned Magistrate has differed with the police report, the petitioners do not deserve grant of pre-arrest bail.

Considering the nature of allegation, the submissions made above and the fact that the statutory agency for conducting investigation into a cognizable offence has found

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the allegation to be false, in the event of arrest or surrender in the court below within six weeks from today, the petitioners 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 the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Biraul P.S. Case No. 364 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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