

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4631 of 2019

Arising Out of PS. Case No.-55 Year-2006 Thana- RAGHOPUR District- Vaishali

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1. Awadhesh Rai, son of Late Dwarika Prasad Rai Vill-Bahrampur, P.S- Raghobpur(Rustampur), Distt.-Vaishali.
 2. Sudamo Devi @ Sudama Devi, wife of Sri Awadhesh Rai Vill-Bahrampur, P.S-Raghobpur(Rustampur), Distt.-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-01-2019 Heard the learned counsel for the petitioners and the State.

The petitioners who are the in-laws of the deceased, seek bail in anticipation of their arrest in connection with Raghobpur (Rustampur O.P.) P.S. Case No. 55 of 2006 dated 01.01.2006 instituted for the offences under Sections 304(B), 201 and 34 of the Indian Penal Code.

The prayer for anticipatory bail of the petitioners was earlier rejected by this Court vide order dated 28.09.2011 passed in Cr. Misc. No. 8147 of 2011.

Learned counsel for the petitioners has submitted that there has been a new development in this case in the sense that after investigation, final report false has been submitted against the petitioners.



However differing with the police report, cognizance was taken against the petitioners as well.

Learned counsel for the petitioners has further submitted that the husband of the deceased has been granted bail and in the trial of the husband of the deceased, witnesses have not supported the factum of murder for non-payment of dowry.

However, considering the fact that earlier the prayer for anticipatory bail of the petitioners was rejected way back in the year 2011, I am not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected.

If the petitioners surrender before the court below and prayer for bail, the court below shall take into account that in the first round of investigation, the petitioners were not found to be guilty and that the husband of the deceased has been granted bail and the petitioners are septuagenarian and shall pass orders in accordance with law without being prejudiced by the fact that the present petition has not been entertained.

(Ashutosh Kumar, J)

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