

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4838 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- TARARI District- Bhojpur

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1. Rajbansi Singh, son of Ram Ekbal Singh Resident of Village- Bandhawa, P.S.- Tarari, District- Bhojpur.
 2. Yasoda Devi, wife of Rajbansi Singh Resident of Village- Bandhawa, P.S.- Tarari, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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 elder brother and sister-in-law of the deceased seek bail in anticipation of their arrest in connection with Tarari P.S. Case No. 79 of 2018 dated 13.06.2018 instituted for the offences under Sections 304(B) and 120B of the Indian Penal Code.

It has been submitted on behalf of the petitioners that except for being related to the husband of the deceased, they have not been attributed with any specific overt act.

Learned counsel for the petitioners has submitted that though it has been alleged that the husband of the deceased had illicit relationship with



petitioner no. 2 but that allegation is only on the basis of suspicion of the informant and nothing more. The petitioners led separate lives and had nothing to do with the affairs of the deceased or her husband. This Court has taken note of the fact that the husband of the deceased was arrested and was in custody but was granted statutory bail under Section 167(2) Cr.P.C. The father-in-law of the deceased also was arrested but was granted bail by a bench of this Court.

Regard being had to the aforesaid facts, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below and seek bail, the court below shall take into account that the father-in-law of the deceased has been granted bail whereas the husband of the deceased is also out of jail under the provisions of Section 167 (2) Cr.P.C. and shall pass orders in accordance with law without being prejudiced by the present rejection of the present petition.

(Ashutosh Kumar, J)

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