

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19247 of 2019

Arising Out of PS. Case No.-159 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Lal Babu Prasad, aged about 40 years, Male, Son of Rikhdeo Prasad @ Rikhdeo Rawat.
2. Indu Devi, aged about 37 years, Female, Wife of Lal Babu Prasad.
3. Rikhdeo Prasad @ Rikhdeo Rawat, aged about 70 years, Male, Son of Late Suraj Prasad.
4. Rampati Devi, aged about 65 years, Female, Wife of Rikhdeo Prasad @ Rikhdeo Rawat.

All are resident of Village - Reotith, P.S.- Baikunthpur, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umakant Shukla, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-04-2019 Mr. Umakant Shukla, the learned counsel appearing for the petitioners seeks permission to delete the name of petitioner petitioner No. 3/Rikhdeo Prasad @ Rikhdeo Rawat, who has died during the pendency of the present bail application.



The prayer is allowed.

The name of applicant No. 3 is expunged from the array of the parties.

The petitioner Nos. 1, 2 and 4 seek bail in anticipation of their arrest in connection with Baikunthpur P.S. Case No. 159 of 2018, dated 26.06.2018, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the deceased, who is the wife of co-accused/Anil Prasad, died after 10 years of marriage. No evidence with respect to her being murdered could be collected during the course of investigation. The aforesaid fact can be gleaned from the order of bail passed by a Bench of this Court on 11.01.2019 in Cr. Misc. No. 74454 of 2018, wherein it has been recorded that there is no eye-witness in the case diary. So far as petitioners are concerned, they are related to the husband of the deceased and have not been specifically accused of doing anything leading to the death of the deceased.



Considering the general and omnibus nature of accusation against the petitioners and taking into account that the husband of the deceased has been granted bail, though regular, this Court is inclined to grant anticipatory bail to the petitioners.

Let petitioner Nos. 1, 2 and 4 above-named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of the present order, be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 159 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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