

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24501 of 2019

Arising Out of PS. Case No.-279 Year-2018 Thana- BIBHUTIPUR District- Samastipur

1. RANJAN YADAV Son of Palto Yadav Resident of Village and P.O.- Madhopur, P.S.- Bibhutipur, District- Samastipur.
2. Arun Kumar Yadav @ Arun Yadav Son of Palto Yadav Resident of Village and P.O.- Madhopur, P.S.- Bibhutipur, District- Samastipur.
3. Punam Devi Arun Kumar Yadav @ Arun Yadav Resident of Village and P.O.- Madhopur, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bibhutipur P.S. Case No. 279 of 2018 for the offence punishable under Section 304(B)/34 of the Indian Penal Code.

Petitioner No.1 is the husband of the deceased, whereas petitioner No.2 is his brother and petitioner No.3 is wife of petitioner No.2.

Learned counsel appearing on behalf of the petitioners has submitted that even if the allegation made in the First Information Report is taken to be correct, there is allegation against petitioner No.1 of making demand of dowry



and torture therefor and so far as petitioners No. 2 and 3 are concerned, there is no such allegation, rather it is mentioned in the First Information Report that they used to console the informant and assure that they would take all steps to pacify the dispute between the deceased and petitioner No.1.

Considering the nature of accusation, the prayer for anticipatory bail in respect of petitioner No.1, namely, Ranjan Yadav, is rejected.

Petitioner No.1 is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

So far as petitioners No. 2 and 3, namely, Arun Kumar Yadav @ Arun Yadav and Punam Devi, are concerned, in the facts and circumstances, their prayer for grant of privilege of anticipatory bail is allowed.

Let the petitioners No. 2 and 3, namely, Arun Kumar Yadav @ Arun Yadav and Punam Devi, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs.



10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1, Rosera, District-Samastipur in Bibhutipur P.S. Case No. 279 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners No. 2 and 3 shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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