

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29056 of 2019**

Arising Out of PS. Case No.-321 Year-2018 Thana- FATEHPUR District-
Gaya

- =====
1. BINDA DEVI, aged about 48 years, female, Wife of Kameshwar Yadav
Resident of Village - Sighiya, P.S.- Fatepur, Gurpa O.P., Distt - Gaya.
 2. Kameshwar Yadav, aged about 52 years, male, Son of Late Laxman Yadav
Resident of Village - Sighiya, P.S.- Fatepur, Gurpa O.P., Distt - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Sinha, Advocate.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304(B)/34 of the Indian Penal Code registered in connection with Fatehpur (Gurpa O.P.) P.S. Case No. 321 of 2018.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the parents-in-law of the deceased. It is submitted that death occurred as a result of motorcycle accident after being taken hospital for treatment. The husband of the deceased is already in judicial custody. Other co-accused Renu Devi and Krishna Yadav who is the *gotini* and *devar* of the deceased have been granted anticipatory bail by this Court in Cr. Misc. No. 31461 of 2019. The petitioners were residing separately and had no concern with day to day matters with the deceased and her husband.



4. Learned APP appears and opposes the anticipatory bail petition on the basis of materials in the case diary. Reference is made to the post mortem report which shows seven injuries on the body of the deceased including injury on the head, back of right elbow, upper part of the right thigh, left knee and back of the chest, cause of death is attributed to the head injury and the associated injuries.

5. Having regard to the nature of the accusations, gravity of the offence alleged, this Court is not persuaded to take a similar view as in the case of co-accused Renu Devi and Krishna Yadav who have been granted anticipatory bail. The anticipatory bail petition of the petitioners stands dismissed.

6. If the petitioners surrender and seek regular bail before the learned Court below the same shall be considered on its own merit in accordance with law, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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