

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36665 of 2019

Arising Out of PS. Case No.-727 Year-2018 Thana- BIHTA District- Patna

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1. NISHI DEVI, aged about 29 years (Female), Wife of Bijendra Kumar D/o Sri. Sarvanand Rai, Resident of Village - Kaliganj, P.S.- Bihta, District - Patna.
 2. Shanti Devi, aged 52 years, (Female), Wife of Ravindra Kumar Singh Resident of Village - Abhiyanta Nagar, North of Bailey Road, P.S.- Danapur, District - Patna.
 3. Raja Kumar @ Himanshu Kumar, aged 38 years, Male, Son of Sri. Sarvanand Rai
 4. Kanti Devi, aged 63 years (Female), Wife of Late Chandrika Rai Both Resident of Village - Milkipar, P.S.- Bihta, District - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Navin Kumar, advocate
For the Informant	:	Mr. Md. Fahimuddin, Advocate
		Mr. Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-06-2019 Heard learned counsel for the petitioners and learned counsel for the informant. No one appears on behalf of the State to oppose this application.

Petitioners in the present case are the relatives of the husband of the deceased. Petitioner no. 1 is the married sister, petitioner no. 2 is the father's sister, petitioner no. 3 is the elder brother and petitioner no. 4 is the aunt of the husband of the deceased. All these petitioners are seeking anticipatory bail in connection with Bihta P.S. Case No. 727



of 2018 registered under Sections 498A, 328, 304(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there are general and omnibus allegations against all the petitioners of demand of dowry and torture. It is submitted that these petitioners are living separately and have no concern with the family of the deceased and even though they are relatives of the husband, they had no role to play in the day to day life of the husband's family.

Learned counsel submits that the mother-in-law of the victim has been granted privilege of anticipatory bail by a learned coordinate Bench of this court vide order dated 28.01.2019 passed in Cr. Misc. No. 410/2019, therefore the petitioners' prayer for anticipatory bail may be considered in the given facts and circumstances.

Learned counsel for the informant has though opposed the prayer for anticipatory bail however does not dispute that the allegations in the F.I.R. are general and omnibus and at this stage the mother-in-law has been granted privilege of anticipatory bail. Learned counsel has made a submission that an application for cancellation of



anticipatory bail of mother-in-law has been filed in view of the liberty granted to the informant because the mother-in-law was not cooperating in course of trial.

Considering the facts and circumstances of the case, the kind of relationship which these petitioners have with the husband of the deceased and the fact that the mother-in-law has been granted privilege of anticipatory bail by a learned coordinate Bench of this court, this court is willing to grant privilege of anticipatory bail to these petitioners as well, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Danapur (Patna), in connection with Bihta P.S. Case No. 727/2018 (G.R. No. 2240/2018), subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

Apart from that the petitioners shall be obliged to cooperate in course of investigation and shall attend the trial as and when required. The two consecutive failures to



attend the trial without grant of exemption from the court
below shall lead to cancellation of bail by the court below.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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