

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41669 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- BANIAPUR District- Saran

1. RUNA KUNWAR @ RUNA DEVI W/o Late Hardeo Rai R/o village- Pirhourri Pandey Tola, P.S.- Baniyapur, District- Saran at Chapra
2. Bharat Rai S/o Late Hardeo Rai R/o village- Pirhourri Pandey Tola, P.S.- Baniyapur, District- Saran at Chapra
3. Babita Devi W/o Bharat Rai R/o village- Pirhourri Pandey Tola, P.S.- Baniyapur, District- Saran at Chapra
4. Shatrughan Rai @ Shatrudhan Rai S/o Late Hardeo Rai R/o village- Pirhourri Pandey Tola, P.S.- Baniyapur, District- Saran at Chapra
5. Kimi Devi W/o Shatrughan Rai @ Shatrudhan Rai R/o village- Pirhourri Pandey Tola, P.S.- Baniyapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-07-2019 Learned counsel for the petitioners states that the petitioner nos. 1 and 2 have already been arrested and seeks permission to withdraw the anticipatory bail petition as against them, as the same has become infructuous.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 1 and 2 is permitted to be withdrawn and is dismissed as such.

3. The petitioner nos. 3, 4 and 5 apprehend their arrest for the offences alleged under Sections 304(B)/34 IPC registered in connection with Baniyapur P.S. Case No. 20/2019.

4. It is submitted that the petitioner nos. 3, 4 and 5 has been falsely implicated merely because they happen to be the aunt-in-law uncle-in-law and aunt-in-law respectively of the deceased. It is submitted that the allegations are general and omnibus in nature



against as many as nine accused persons. No specific overt act has been alleged individually. The petitioner nos. 3, 4 and 5 have been living separately from the deceased and her husband having no concern with their day-to-day matter after partition effected earlier. The petitioner nos. 3,4 and 5 claim clean antecedents.

5. Be that as it may, in the event of the arrest or surrender by petitioner nos. 3, 4 and 5 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 3, 4 and 5 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM XI, Saran at Chapra, in connection with Baniyapur P.S. Case No. 20/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 3, 4 and 5.

ii. That the petitioner nos. 3, 4 and 5 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 3, 4 and 5 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 3 and 5 shall be well represented and petitioner no. 4 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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