

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42908 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- SAKURABAD District- Jehanabad

1. BIRENDRA BIND Son of Krishna Bind Resident of Village - Pati Bigha, P.S.- Shakurabad, Distt - Jehanabad.
2. Indramani Devi Wife of Birendra Bind Resident of Village - Pati Bigha, P.S.- Shakurabad, Distt - Jehanabad.
3. Malti Devi D/o Birendra Bind, Wife of Prabhu Bind Resident of Village - Pati Bigha, P.S.- Shakurabad, Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-07-2019 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Shakurabad Police Station Case No. 33 of 2018, disclosing offences under Sections 304B/201/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961.

The allegation against the petitioners, as per the prosecution case, is that petitioner no. 1 is the father-in-law, petitioner no. 2 is the mother-in-law and petitioner no. 3 is the married nanad of the deceased, and the deceased was allegedly



burnt by the petitioners along with the husband of the deceased,
Om Prakash Bind.

Learned Counsel for the petitioners submits that the husband of the deceased faced trial in the present case, in Sessions Trial No. 62 of 2019, and after examining the witnesses thoroughly, the learned Trial Court, by judgment, dated 30.03.2019 (Annexure-2), has acquitted the husband of the deceased, finding the prosecution story not true and further the prosecution failed to establish the guilt of the husband of the deceased. He further submits that the petitioners are the father-in-law, mother-in-law and married nanad of the husband of the deceased and when the entire prosecution story has been belied by the learned Trial Court, the petitioners deserve privilege of anticipatory bail inasmuch as the allegation against the petitioners are similar and omnibus in nature.

After having heard learned Counsel for the parties and taking into consideration the fact that the husband of the deceased has been acquitted by the learned Trial Court, after holding a full-fledged trial, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge I -cim- Additional Chief Judicial Magistrate, Jehanabad, in connection with Shakurabad Police Station Case No. 33 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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