

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54662 of 2019

Arising Out of PS. Case No.-736 Year-2018 Thana- ARA NAWADA District- Bhojpur

1. AJAY CHAUBEY Son of Late Birendra Chaubey Resident of Village-Chhoti Sikarhata (Khurd), Police Station-Sikarhata, District-Bhojpur.
2. Vijay Chaubey Son of Late Birendra Chaubey Resident of Village-Chhoti Sikarhata (Khurd), Police Station-Sikarhata, District-Bhojpur.
3. Uday Chaubey Son of Late Birendra Chaubey Resident of Village-Chhoti Sikarhata (Khurd), Police Station-Sikarhata, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Nath

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 16-11-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Ara Nawada P.S. Case No. 736 of 2018, disclosing the offence under Sections 304-B, 201, 34 of the Indian Penal Code.

Petitioners are brothers of the husband of the deceased.

Learned counsel appearing on behalf of the petitioners has submitted that there is no allegation made in the FIR, which can be said to be constituting an offence under Section 304-B of the Indian Penal Code against these petitioners. According to him, they have been implicated only because they are family members of the husband of the deceased. Referring to the First Information Report, he has



submitted that as per the case of the prosecution itself, the deceased was residing with her husband at Ara in a rented house.

Considering the facts and circumstances of the case, in my opinion, a case for grant of anticipatory bail is made out, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, 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 the learned Chief Judicial Magistrate, Bhojpur at Ara, in Ara Nawada P.S. Case No. 736 of 2018, subject to the condition as 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.

(Chakradhari Sharan Singh, J)

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