

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3422 of 2019

Arising Out of PS. Case No.-38 Year-2017 Thana- RAGHOPUR District- Vaishali

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1. Sahbir Rai son of Late Suraj Rai,
 2. Lalmati Devi wife of Sahbir Rai
- Both are resident of village-Rampur Shyamchand, P.S Raghapur, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Raghapur P.S. Case No. 38 of 2017 registered for offence punishable under section 304(B)/34 of the Indian Penal Code.

Allegation has been made that the victim was married to Pramod Rai in 2015 as per Hindu rite and rituals and just after three years she has been killed.

The learned counsel for the petitioners submits that it is a case of suicide, but the post mortem mentioned by the Additional Sessions Judge shows that the victim was killed by strangulation.



Looking to the entire facts and circumstances of the case, the prayer for bail of petitioner no. 1 is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/-with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Vaishali at Hajipur in connection with Raghapur P.S. Case No. 38 of 2017, subject to the conditions as laid down under section 438 Cr.PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court. Whenever the police will call the petitioner no. 1 for the purpose of investigation and interrogation in the aforesaid case, he will present himself. In case of failure, the prosecution will have liberty to file an application for cancellation of his bail before the court below.

So far petitioner no. 2 is concerned, her prayer for bail is rejected. However, if petitioner no. 2 surrenders and prays for regular bail, the court below without being prejudiced by this



order, will take decision in accordance with law.

(Shivaji Pandey, J)

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