

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5693 of 2020**

Arising Out of PS. Case No.-355 Year-2019 Thana- ATRI District- Gaya

1. Ashok Chauhan @ Ashok Jamadar Son of Late Ramkhelavan Jamada @ Ramkhelan Chauhan Resident of Village - Koriyachak, P.S.- Atri, Distt.- Gaya.
2. Rahul Chauhan Son of Late Ramkhelavan Jamada @ Ramkhelan Chauhan Resident of Village - Koriyachak, P.S.- Atri, Distt.- Gaya.
3. Surya Deo Chauhan Son of Late Ramkhelavan Jamada @ Ramkhelan Chauhan Resident of Village - Koriyachak, P.S.- Atri, Distt.- Gaya.
4. Puni Devi @ Punam Devi W/o Rahul Chauhan Resident of Village - Koriyachak, P.S.- Atri, Distt.- Gaya.
5. Kunti Devi W/o Ashok Jamadar @ Ashok Chauhan Resident of Village - Koriyachak, P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 31-08-2020 Heard learned counsel for the petitioners and learned
APP for the State.

In terms of the previous order, since the petitioner no.1 has already been arrested, this application has become infructuous as against him.

Learned counsel for the petitioners submits that so far as petitioner nos.2 and 3 are concerned, they are brothers-in-law (brothers of husband of the deceased) and petitioner nos.4 and 5 are sisters-in-law (Gotani) of the deceased, who are seeking



pre-arrest bail in connection with Atri P.S. Case No.355/2019 registered for the offences punishable under Sections 304(B) and 328/34 of the Indian Penal Code.

Learned counsel submits that there are false and baseless allegations against the petitioners who have no concern with the family of the deceased as they are living separate in mess and business. In course of investigation, no independent witness has come to support the allegations against petitioner nos. 2 to 5. The husband is already in custody and the mother-in-law has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.15700 of 2020.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner nos.2 to 5, but considering the facts and circumstances of the case, the nature of their relationship with the deceased and the materials in the case diary not suggesting any independent witness making allegations against these petitioners as also that the mother-in-law who is co-accused has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court, this Court is inclined to grant privilege of anticipatory bail to the petitioner nos.2 to 5. Let the petitioner nos. 2 to 5 above named



in the event of their arrest or surrender within a period of four weeks from today in connection with Atri P.S. Case No.355/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

