

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8632 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- RAMGARH District- Kaimur (Bhabhua)

1. JAINATH GUPTA S/o Paras Sah Resident of Village- Sinjuwa Khurd, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)
2. Kalawati Devi W/o Paras Sah Resident of Village- Sinjuwa Khurd, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)
3. Resmi Devi W/o Jainath Gupta Resident of Village- Sinjuwa Khurd, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)
4. Pramila Devi W/o Guddu Sah Resident of Village- Sinjuwa Khurd, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)
5. Sita Devi W/o Krishna Sah Resident of Village- Sinjuwa Khurd, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)
6. Jawahar Sah S/o Late Sukthu Sah Resident of Village- Piparia, P.S.- Ramgarh, Distt- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar
For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Ramgarh P.S. case no. 177 of 2019 instituted for the offence
under Section(s) 304B/34 of the Indian Penal Code.

It is submitted by the petitioners' counsel that petitioner
No.1 is *Bhaisur*, petitioner no.2 is mother-in-law, petitioner no.3
is *Jethani*, petitioner nos.4 and 5 are *Gotani* respectively of the



deceased whereas petitioner no.6 is brother-in-law of co-accused Mahabir Gupta. They are implicated in the instant case, wherein, allegation levelled by brother of the deceased is that the accused persons have tortured his sister and thereafter she was admitted for treatment at Sadar Hospital, Buxar, where she died during course of treatment. The offences under Sections 304B/34 of the IPC has been alleged against all the accused persons.

The petitioners' counsel submits that the informant subsequently realized that the instant petitioners all were not responsible and accordingly a compromise petition has been filed in the Court below (Annexure-2 to the bail petition). The husband of the victim girl was handed over to the police by the informant and he is in custody. The petitioners are having no criminal antecedents and merely because they are the relatives of the husband of the deceased, they have been implicated in the instant case.

The learned APP for the State opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the ACJM 1st, Kaimur at Bhabua, in connection with Ramgarh P.S. case no. 177 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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