

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64494 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- RAMNAGAR District- West Champaran

1. Raj Kishor Chaudhary Son of Late Bindeshwari Chaudhary Resident of Village - Khajuriya Mathiya, P.S.- Ram Nagar, District- West Champaran
2. Aazad Chaudhary @ Azad Chauhan Son of Late Bindeshwari Chaudhary Resident of Village - Khajuriya Mathiya, P.S.- Ram Nagar, District- West Champaran
3. Triloki Chaudhary Son of Late Bindeshwari Chaudhary Resident of Village - Khajuriya Mathiya, P.S.- Ram Nagar, District- West Champaran
4. Anmol Chaudhary @ Anmol Kumar Chaudhary Son of Azad Chaudhary Resident of Village - Khajuriya Mathiya, P.S.- Ram Nagar, District- West Champaran
5. Sampati Devi Wife of Raj Kishor Chaudhary Resident of Village - Khajuriya Mathiya, P.S.- Ram Nagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-02-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 364, 302, 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR, the accused persons are said to have taken the husband of the informant to Delhi on 21.10.2017. It is further stated by the informant that when she



asked the accused persons for information on 18.11.2017, it transpired that her husband had died and that the cremation etc. had also been performed by them. .

It is submitted by learned counsel for the petitioners that the petitioner nos. 1, 2 and 3 happen to be the nephew (Bhagina) of the deceased. It is submitted that there is no material against them which would be evident from reading of the FIR itself. It is further submitted that a complaint was lodged by the complainant on 16.5.2018 in the Court of the learned Additional Chief Judicial Magistrate, Bagaha, District West Champaran which was referred and FIR being Ram Nagar P.S. Case no. 37 of 2019 was registered on 11.3.2019. It is further submitted that even in course of investigation no material has come to implicate these petitioners.

It is submitted by learned counsel for the informant that there is direct allegation against these petitioners in the FIR that it was the petitioners who had taken the husband of the informant to Delhi and on his death they had disposed off his body.

The case diary in the case has been received. From the contents of the case diary it is submitted by learned APP for the State that some material has transpired in course of investigation



with respect to the death of the husband of the informant after illness and his subsequent cremation. No direct or indirect material has come against these petitioners.

Having heard learned counsel for the parties and taking into consideration the nature of allegations as made in the FIR together with the material which has transpired in course of investigation, the Court is inclined to enlarge the petitioners on bail. The petitioners above named, in the event of their arrest or surrender in the Court below within a period of six weeks from today in connection with Ram Nagar P.S. Case no. 37 of 2019 are directed to be enlarged on bail on each of them furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Bagaha, West Champaran subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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