

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86480 of 2019

Arising Out of PS. Case No.-142 Year-2019 Thana- DHANARUA District- Patna

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1. Raj Ballav Prasad @ Raj Ballam Singh, aged about 56 years, male, Son of Late Chalitar Singh.
 2. Upendra Kumar @ Upendra Prasad, aged about 35 years, male, S/o Raj Ballav Prasad.
 3. Dharmvir Prasad @ Dharamvir Kumar, aged about 22 years, male, Son of Raj Ballav Prasad.
 4. Manju Devi, aged about 30 years, female, W/o Upendra Kumar @ Upendra Prasad.
 5. Rinki Kumari, aged about 21 years, female, W/o Dharamvir Prasad @ Dharamvir Kumar.

Resident of Village- Makhadumpur, P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.1, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 22-06-2020 Heard Mr. Mukesh Kumar No. 1, learned counsel

for the petitioners and Mr. Sanjay Kumar Pandey, learned

APP for the State.



The petitioners seek bail in anticipation of their arrest in connection with Dhanarua P.S. Case No. 142 of 2019, dated 08.04.2019, instituted for the offences under Sections 304(B) and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that because of their being related to the husband of the deceased, they have been made accused in this case but without any specific accusation. It has further been submitted that because of wrong counsel to the informant, the present case was lodged.

On realizing that the petitioners are not instrumental in causing the death of the deceased, a settlement, as submitted by the learned counsel for the petitioners, also has been arrived at between the parties.

The counsel for the State however opposes the prayer for grant of anticipatory bail of the petitioners on the ground that it is a case under Section 304(B) of the Indian Penal Code.

However, regard being had to the nature of accusation in the First Information Report, I am not inclined



to grant anticipatory bail to petitioner Nos. 1, 2 and 3, *viz.*,
Raj Ballav Prasad @ Raj Ballam Singh, Upendra Kumar @
Upendra Prasad and Dharmvir Prasad @ Dharamvir Kumar.

The prayer for grant of anticipatory bail of
petitioner Nos. 1, 2 and 3 is, accordingly, rejected.

However, if petitioner Nos. 1, 2 and 3 surrender
before the Court below and seek regular bail, the Court
below shall consider the case on its own merits, without
being prejudiced by the fact that the present anticipatory bail
application with respect to them has not been entertained by
this Court.

So far as petitioner Nos. 4 and 5, *viz.*, Manju Devi
and Rinki Kumari are concerned, who are the sisters-in-law
of the deceased, they, in the event of their arrest or
surrender before the learned Court below within a period of
six weeks, are directed to be released on bail on their
furnishing bail bonds of Rs. 10,000/- (Rupees Ten
Thousand) each with two sureties of the like amount each to
the satisfaction of learned Judicial Magistrate-Ist Class,
Patna in connection with Dhanarua P.S. Case No. 142 of



2019, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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