

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33434 of 2020

Arising Out of PS. Case No.-71 Year-2019 Thana- DURAULI District- Siwan

1. LALAN CHAURASIYA, aged about 58 years, Gender-Male, S/o Parshuram Chaurasiya, R/o village- Hanumanpuri Ke Mathia, P.S.- Darauli, District-Siwan.
2. VIDYAWATI DEVI, aged about 51 years, Gender-Female, W/o Lalan Chaurasiya, R/o village- Hanumanpuri Ke Mathia, P.S.- Darauli, District-Siwan.
3. KRISHNA CHAURASIYA, aged about 21 years, (M), S/o Lalan Chaurasiya, R/o village- Hanumanpuri Ke Mathia, P.S.- Darauli, District-Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bijay Prakash Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2021 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no. 1, namely, Lalan Chaurasiya, as he already been taken into judicial custody in connection with Darauli P.S. Case No. 71 of 2019, pending in the court of learned S.D.J.M. Siwan.

Permission is accorded.

The anticipatory bail application filed on behalf of petitioner no. 1, namely, Lalan Chaurasiya, is dismissed as withdrawn being infructuous.

Learned counsel for the petitioner nos. 2 and 3 is



directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioner nos. 2 and 3 and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 304(B), 201 of the I.P.C. and $\frac{3}{4}$ of the D.P. Act.

The prosecution story, in brief, is that accused persons including the petitioners killed the victim due to non-fulfilment of demand of dowry.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 2 is the mother-in-law and petitioner no. 3 is the brother-in-law of the deceased. They are separate in mess and property from the husband of the deceased. They have got no concern with the alleged occurrence. The date of occurrence is 16.11.2018 and complaint was filed on 07.01.2019. Delay in filing of complaint has not been explained by the prosecution.

On behalf of the State, it is submitted that the



petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner nos. 2 and 3, namely, Vidyawati Devi and Krishna Chaurasiya (except petitioner no. 1 Lalan Chaurasiya), in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Siwan, in connection with Darauli P.S. Case No. 71 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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