

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39012 of 2020

**Arising out of P.S. Case No. 550, year- 2019, Thana Amarpur, District
Banka**

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1. Kailash Singh, Male, aged about 60 years son of late Akal Singh.
 2. Bina Deviu aged about 55 years (female) wife of Kailash Singh
 3. Baidyanath Kumar, aged about 35 years (Male) son of Kailash Singh
 4. Rinku Kumari, aged about 20 years, female d/o Kailash Singh.

All are residents of village Bhadariya P.S. Amarpur, District Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Shrivastava, Adv.

For the Opp. Party/s : Mr. Braj Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Braj Kishore Prasad, the learned APP appearing for the State.

The petitioners apprehend their arrest in connection with Amarpur P.S. Case No. 550 of 2019 for the offence punishable under Sections 341, 323, 304(B) and 201/34 of the Indian Penal Code.



The allegation is regarding the accused persons, including the petitioners herein, having killed the deceased victim lady on account of non-fulfilment of the demand for dowry.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is the father-in-law of the deceased victim lady, the petitioner no.2 is the mother-in-law, the petitioner no.3 is the brother-in-law and the petitioner no. 4 is the sister-in-law of the deceased victim lady and in fact, on the date of occurrence, they were not present at the place of occurrence inasmuch as the deceased victim lady along with her husband namely Ranjan Singh used to live separately along with their two children. It is also submitted that on the date of occurrence, it appears that a hot argument had taken place in-between the husband and the wife, on account of which the wife had consumed thimet and died. It is stated that the husband of the deceased is already behind bars, hence, no prejudice would be caused to the prosecution in case the petitioners are granted the privilege of anticipatory bail.



learned APP appearing for the

State, Shri Braj Kishore Prasad, has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties as also taking into account the materials available on record as also considering the fact that the husband of the deceased lady is behind bars and the petitioners herein do not appear to have been present at the place of occurrence on the alleged date and time of occurrence, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 550 of 2019, subject to the conditions laid down under section 438(2) of the Cr. P. C.

(Mohit Kumar Shah, J)

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