

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61184 of 2023

Arising Out of PS. Case No.-426 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

1. Subdar Pandit @ Subedar Pandit S/O Janak Pandit R/O Village- Mohanpur, P.S- Patory (MOHANPUR O.P), Distt.- Samastipur.
2. Mina Devi W/O Subdar Pandit @ Subedar Pandit R/O Village- Mohanpur, P.S- Patory (MOHANPUR O.P), Distt.- Samastipur.
3. Chandan Kumar Pandit @ Chandan Pandit S/O Subdar Pandit @ Subedar Pandit R/O Village- Mohanpur, P.S- Patory (MOHANPUR O.P), Distt.- Samastipur.
4. Pankaj Pandit @ Pankaj Kumar S/O Subdar Pandit @ Subedar Pandit R/O Village- Mohanpur, P.S- Patory (MOHANPUR O.P), Distt.- Samastipur.
5. Gauri Devi @ Gauri Kumari W/O Chandan Kumar Pandit @ Chandan Pandit R/O Village- Mohanpur, P.S- Patory (MOHANPUR O.P), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Patory PS Case No 426 of 2023, dated 27-06-2023 registered for the offence punishable under Sections 304B and 201/34 of the Indian Penal Code.

3. The instant case has been lodged under Section 304B of the IPC and other allied offences.



4. It is submitted by the petitioners' counsel that the petitioners are father-in-law, mother-in-law, elder brother-in-law and younger brother-in-law and sister-in-law(*Gotani*) of the alleged victim and have been implicated by virtue of their relationship. The First Information Report (for brevity 'FIR') only raises a suspicion, which is apparent from plain reading of the FIR. It has been lodged by the married sister of the victim and not by father or mother of the victim. The husband of the victim is already in custody. The petitioners have no criminal antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations, the relationship of the petitioners with the victim, their clean antecedents and the fact that the husband is already in custody, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on 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 learned J M 1st Class, Samastipur, in connection with Patory PS Case No 426 of 2023., subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with 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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