

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9164 of 2024

Arising Out of PS. Case No.-81 Year-2023 Thana- ARA RAIL P.S. District- Bhojpur

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1. Nanhki Devi @ Nankhi Devi, W/O- Kapilmuni Yadav R/O- Vill.- Babhaniyaon, Ps.- Jagdishpur, Dist.-Bhojpur
 2. Sonu Yadav @ Sonu Kumar, S/O- Kapilmuni Yadav R/O- Vill.- Babhaniyaon, Ps.- Jagdishpur, Dist.-Bhojpur
 3. Sri. Niwas Yadav @ Sri. Niwas Singh, S/O Late Jhagdi Singh @ Jhakdi Yadav R/O- Vill.- Babhaniyaon, Ps.- Jagdishpur, Dist.-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-03-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 498, 306 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the informant based on
general and omnibus allegations, when informant is not an eye
witness to the occurrence. It is next submitted that the sister of
the informant was married to Manji Yadav in the Year 2014 and



out of the wedlock, three children were born, but two years prior to the occurrence, it is alleged that the accused persons used to assault and torture his sister as they were demanding landed property from her.

4. The learned counsel for the petitioners submits that petitioners are mother in-law, brother in-law and cousin father in-law of the deceased. It is next submitted that whenever any occurrence of the nature as alleged in the F.I.R. takes place, the entire family members of the husband of the deceased are implicated in a mechanical manner. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the deceased along with her two years old son jumped from Himgiri Express and committed suicide. It is thus submitted that no doubt, the occurrence which took place is sad, but then, the deceased was having differences with her husband and accordingly, she committed the occurrence. It is next submitted that husband of the deceased is in custody. It is further submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, 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 in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Railway Magistrate, Bhojpur at Ara in connection with Ara Rail P. S. Case No.81 of 2023, Rail Patna, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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