

Patna High Court - Orders

Bijendra Pandey & Ors. vs The State Of Bihar on 13 September, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20123 of 2011

1. Bijendra Pandey, S/o - Rameshwar Pandey
  2. Arbind Pandey, S/o - Rameshwar Pandey
  3. Rinku Pandey @ Rinku Devi, W/o - Bijendra Pandey
- All are resident of village - Pipara, P.O. - Sahajeetpur, P.S.  
- Baniapur, District - Saran at Chapra.

----- Petitioners

Versus

The State of Bihar

---Opposite Party

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04. 13.09.2011 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

All the three petitioners, apprehending their arrest in connection with Enquiry No. 185/10, U.Tr. No. 164/10, arising out of Baniapur P.S. Case No. 102/09, for the offences under Sections 302/201/34 of the Indian Penal Code, pending in the court of Sri Nitish Kumar, Judicial Magistrate, 1st Class, Saran at Chapra, are named accused in this protest complaint with allegation of causing murder of husband of the complainant. Submission is that initially at the instance of complainant Baniapur P.S. Case No. 102/09 was instituted against the petitioners but, police after investigation, finding death of the deceased due to heart failure in spite of providing due treatment, submitted final form which was accepted and case proceeded and the protest complaint wherein after some inquiry cognizance has been taken.

Considering the facts and circumstances of the case, in the event of their arrest or surrender within a period of four weeks, let the above-named petitioners be enlarged on bail on furnishing bail bond of sum of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of Sri Nitish Kumar, Judicial Magistrate, 1st Class, Saran at Chapra, in connection with Enquiry No. 185/10, U.Tr. No. 164/10, arising out of Baniapur P.S. Case No. 102/09, subject to condition under section 438(2) of the Code of Criminal Procedure, and additional condition to attend the court regularly at least for three years or till disposal of the case, whichever is earlier and in the event of failure on two consecutive dates, without any reasonable explanation, the privilege granted shall be deemed to be cancelled.

Rajeev/

( Akhilesh Chandra, J.)