

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15103 of 2015

Arising Out of PS.Case No. -265 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

- =====
1. Mostt. Devki Devi @ Deva Devi Wife of Late Nandan Sah
 2. Mostt. Soni Devi Wife of Late Naresh Sah
 3. Raj Kumar Sah Son of Late Nandan Sah
 4. Ashok Sah @ Ashok Kumar Sah S/o Late Nandan Sah All are residents of village - Matha Bandh, Pani Tanki, Police Station and District - Deoghar (Jharkhand)
 5. Sudhir Sah Son of Sri Shiv Nandan Sah
 6. Manju Devi wife of Sri Sudhir Sah Both residents of village and Police Station Lauwagarhi, District - Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari Wife of Sri Shiv Shankar Sah and daughter of Sri Dhaneshwar Prasad Sah at present residing at village - Sadhuwa, Police Station - Gopalpur (Rangra), District - Bhagalpur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha, Advocate.
For the Opposite Party/s : Mr. A.K.Choudhary(App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 13-08-2015

Heard learned counsel for the parties.

The petitioners, facing prosecution for offence under Sections 323, 406, 494, 498-A, 504 and 506/34 of the Indian Penal Code, have cut out a defence that when the husband of the victim lady namely Shiv Shankar Prasad Sah has already been granted anticipatory bail by order of this Court dated 16.07.2015 in Cr. Misc. No. 16803 of 2015, the petitioners being only the in-laws, would definitely be entitled to get such privilege of anticipatory bail.

This Court, taking into account that the main accused who is the husband of the victim lady has already been granted privilege of anticipatory bail under the aforesaid order dated 16.07.2015 in Cr.

Misc. No. 16803 of 2015 and that the petitioners have also got no criminal antecedent, would be inclined to grant them privilege of anticipatory bail.

That being so, if the petitioner nos. 1 to 6, namely, Most. Devki Devi @ Deva Devi, Most. Soni Devi, Raj Kumar Sah, Ashok Sah @ Ashok Kumar Sah, Sudhir Sah and Manju Devi respectively surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachhia District- Bhagalpur in connection with Gopalpur (Rangra) P.S.Case No. 265 of 2013 (G.R. No. 1124/2013); subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their



release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--