

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5962 of 2015

Arising Out of PS.Case No. -120 Year- 2014 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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1. Mantu Kumar Patel @ Mantu Patel S/O Late Yogendra Prasad Patel@Yogendra Patel
2. Yogendra Prasad Patel@Yogendra Patel S/O Late Brichha Prasad
3. Mala Devi W/O Yogendra Prasad Patel@Yogendra Patel All are Resident of vill-Amwa Manjhar tola farwa,P.S-Bettiah Muffasil,Distt-West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No. 7, Adv
For the Opposite Party/s : Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-05-2015 Heard learned counsel for the parties as with regard to the prayer for anticipatory bail of three petitioners for the offences punishable under Sections-302, 328 and 34 of the Indian Penal Code.

On an over all picture emerging on the basis of the investigation done in this case by the police, it is Rs. 30 lacs received by the deceased by way of payment of compensation made to her after the death of her husband that she became the bone of contention in the hands of other family member of her husband. The deceased after receipt of such amount in fact was living with her Mother-in-Law, Anarkali Devi and it is

Mantu Kumar nephew of Anarkali Devi, who is said to be the body-guard of the family of Anarkali Devi, and it is in their hovering presence that the deceased was found to have died on account of poisoning.

Considering all these aspects, this Court would not be inclined to grant the privilege of anticipatory bail to the petitioner no. 1, Mantu Kumar Patel @ Mantu Patel.

The prayer for anticipatory bail of the petitioner no. 1, Mantu Kumar Patel @ Mantu Patel is hereby rejected.

Petitioner nos. 2 and 3 however are the parents of petitioner no. 1, Mantu Kumar Patel @ Mantu Patel and they have got no criminal antecedent and additionally this Court would also find that they were not living with the deceased and were in fact also separate in mess and business from their son, the petitioner no. 1.

That being so, this Court would direct that if the **petitioner no. 2, Yogendra Prasad Patel @ Yogendra Patel and petitioner no. 3, Mala Devi,** would surrender within a period of four weeks from today in the Court below, they shall 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 **Chief Judicial Magistrate, Motihari, East Champaran**, in connection with **Gobindganj (Malahi) P.S. No. 120 of 2014 (arising out of GR Case No. 2942 of 2014)**, subject to the conditions laid down under Section-438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give 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 address of the petitioners.

(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 give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date 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)

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