

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35423 of 2014

Arising Out of PS.Case No. -126 Year- 2013 Thana -MARAUNA District- SUPAUL

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1. Md. Nasim S/o Abdurrajak
2. Md. Abdurrajak S/o Md. Budu
3. Sakila Khatoon W/o Abdurrajak All are resident of village- Sirajpur,
P.S.- Marauna, Dist.- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-304B, 201 and 34 of the Indian Penal Code and the fact that the complicity of the Father-in-law, petitioner no. 2, Md. Abdurrajak, is not feasible because it is either the petitioner no. 1, Md. Nasim, the husband or the Mother-in-law, petitioner no. 3, Sakila Khatoon, who are said to be primarily responsible for the death of the victim lady, this Court would be inclined to grant anticipatory bail to the petitioner no. 2, but the prayer for anticipatory bail of petitioner no. 1 and petitioner no. 3, in view of seriousness of allegations against them cannot

be allowed.



In that view of the matter while the prayer for anticipatory bail of the petitioner no. 1 Md. Nasim and petitioner no. 3 Sakila Khatoon is rejected but if the petitioner no. 2, namely, Md. Abdurrajak, surrenders within a period of four weeks from today, he would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Supaul** in connection with **Marauna P.S. Case No. 126 of 2013** subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner no. 2 who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the

petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner no. 2 is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner no. 2 will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner no. 2 will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Ranjan/-

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