

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21571 of 2014

Arising Out of PS.Case No. -211 Year- 2013 Thana -MASRAKH District- SARAN

=====

1. Nibha Kumari daughter of Pundeo Thakur
2. Shanti Devi, wife of Pundeo Thakur
3. Pundeo Thakur, son of late Manager Thakur,
All are residents of village- Khajuri, P.S.- Masrakh, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh 5 (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 08-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 304(B) and 201/34 of the Indian Penal Code, while this Court is not inclined to grant anticipatory bail to Pundeo Thakur, the petitioner no. 3, specially when his son is the main hero and is the husband of the deceased Mukesh Thakur @ Umesh Thakur is still absconding.

This Court would, however be inclined to grant privilege of anticipatory bail to the petitioner no. 1 Nibha Kumari, who is the unmarried Nanad of the deceased and petitioner no.2 Shanti Devi, who is the mother-in-law of the deceased, basically because they are ladies and also having no criminal antecedent.

That being so, if the petitioner nos. 1 and 2 namely



Nibha Kumari and Shanti Devi respectively, surrender within a period of four weeks from today, the court below shall release the petitioners on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Masrakh P.S.Case No. 211 of 2013, subject to the following conditions:

- (i) That both the bailors will be close 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 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			
---	--	--	--