

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8345 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -GOPALGANJ CITY District- GOPALGANJ

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1. Marachhiya Devi @ Marchhiya Devi W/o Shambhu Kailash Prasad
2. Ramuni Devi W/o Satyadeo Prasad,
3. Mukesh Kumar S/o Shambhu Kailash Prasad All residents of village -
Pipra, P.S. - Barauli, District - Gopalganj.

... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Manoj Kr.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 05-10-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 417, 307, 302 of the Indian Penal Code and that the petitioners were not named in the F.I.R. and whatever allegations have surfaced with regard to the alleged murder of an infant child of one Sandhya Kumari at best would implicate the son of petitioner no.1, namely, Bhardul, who is already in jail custody, this Court by taking into the conduct of Sandhya Kumari who had abandoned the child in the hospital and came to give a statement against the petitioners after almost one month of lodging of the F.I.R. would find these petitioners, namely, 1. Marachhiya Devi @ Marchhiya Devi, 2. Ramuni Devi and 3. Mukesh Kumar, having no criminal antecedent to be entitled for privilege of anticipatory

bail.

That being so, if the petitioners named above 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Gopalganj Town P.S. Case No. 20/2014, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioners 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 a 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 bailor shall also state on affidavit that he 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 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 they fail to do so on two given dates and delay 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.

surendra/-

(Mihir Kumar Jha, J)

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