

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47081 of 2014

Arising Out of PS.Case No. -125 Year- 2014 Thana -SALKHUA District- SAHARSA

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1. Abhicharan Singh @ Abhichandra Singh @ Abhichand Singh S/o Sri Gulam Singh
2. Mohan Singh S/o Sri Anandi Singh
3. Bulanti Devi W/o Abhicharan Singh All resident of village - Kabira Bind Toli, P.S. Salkhua, O.P. Chiraiya Sadar, Distt. - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 12-08-2015

Heard learned counsel for the parties.

At the outset, learned counsel for the petitioners submits that during pendency of this application, petitioner no. 1 Abhicharan Singh @ Abhichandra Singh @ Abhichand Singh has been arrested and such his prayer for anticipatory bail has become infructuous.

This Court, on examining the case of rest of two petitioners, namely, Mohan Singh and Bulanti Devi, would find that allegation against them under Sections 302, 201/34 of the Indian Penal Code and under Section 27 of the Arms Act cannot be altogether discarded only by way explanation of its being based on hearsay evidence. It has come infact on record that the deceased Ratan Kumar had gone to the house of the petitioner no. 3, Bulanti Devi and there the marriage between Ratan Kumar and Champa Devi had been performed

whereafter family members of Champa Devi had become enraged and ultimately the dead body of Ratan Kumar was found under suspicion circumstances.

Thus, this case giving a smell of 'honour killing', this Court is not inclined to grant privilege of anticipatory bail to petitioner no. 2 Mohan Singh, the brother of Champa Devi but then keeping in view that the petitioner no. 3 Bulanti Devi is a lady and also having no criminal antecedent, this Court would be inclined to grant her privilege of anticipatory bail.

That being so, if the petitioner no. 3, Bulanti Devi, surrenders before the court below within a period of four weeks from today, she shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S.Case No. 125 of 2014, subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake 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 affidavit shall clearly state that the petitioner is not accused in any other case and if she is, she shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they



will inform the court concerned, if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of her bail on the ground of misuse.

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

(Mihir Kumar Jha, J)

Sujit/-

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