

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15350 of 2015

Arising Out of PS.Case No. -191 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

- =====
1. Geeta Pandit Son fo Late Ram Nageena Pandit@Ram lageen Pandit
 2. Radhey Pandit Son of late Ram Nageena Pandit@Ram Lageen Pandit
 3. Mohan Pandit son of Radhey Pandit
 4. Umda devi wife of Radhey Pandey
 5. Panma Devi@Manju Devi wife of Geeta pandit
 6. Rekha Devi wife of Mohan Pandit
- All R/o Village- Malti, P.S. Fulwaria, district Begusarai,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Opposite Party/s : Mr. Manoj Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 09-07-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 307, 323, 341, 379, 504, 506/34 of the Indian Penal Code and the fact that the allegation of assault against the petitioner no.1 Geeta Pandit, petitioner no.2 Radhey Pandit and petitioner no.3 Mohan Pandit is found substantiated in the injury report, this Court is not inclined to grant privilege of anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the petitioners, namely, petitioner no.1 Geeta Pandit, petitioner no.2 Radhey Pandit and petitioner no.3 Mohan Pandit is hereby

rejected.

However, the three remaining petitioners, namely, petitioner no.4 Umda Devi, petitioner no.5 Panma Devi @ Manju Devi and petitioner no.6 Rekha Devi would be entitled for being granted privilege of anticipatory bail both on account of omnibus allegation against them as also they being ladies having no criminal antecedent.

That being so, if the petitioner nos. 4, 5 & 6 namely Umda Devi, Panma Devi @ Manju Devi and Rekha Devi surrender before the court below within a period of four weeks from today, they will 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, Begusarai in connection with Fulwaria P.S. Case No. 191 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioner nos. 4, 5 & 6, namely, Umda Devi, Panma Devi @ Manju Devi and Rekha Devi 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 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 address of the petitioners.

(iii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail.

(iv) 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.

(v) 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)

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