

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37183 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -KAKO District- JEHANABAD

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Bablu Kumar son of late Panna Lal Tamoli resident of Village Amthua, P.s.
Kako district Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.39077 of 2014

Arising Out of PS.Case No. -47 Year- 2014 Thana -KAKO District- JEHANABAD

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Gauri Devi wife of late Panna Lal Tamoli Resident of village - Amthua,
P.O. Kazisari, P.S. Kako, District - Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 27-02-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections- 304(B) and 34 of the Indian Penal Code and the defence of the petitioners that it was a personal rift between the husband and the wife on account of alleged involvement of the wife with some other person, while this Court would be inclined to grant anticipatory bail to Gauri Devi, the Mother-in-law but the same privilege

cannot be given to the petitioner namely, Bablu Kumar, the husband.

In that view of the matter, the prayer for anticipatory bail of petitioner, Bablu Kumar is rejected.

If the petitioner namely, Gauri Devi, surrenders within a period of four weeks from today, she 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 **C.J.M. Jehanabad** in connection with **Kako P.S Case No. 47 of 2014** 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 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 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 bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that she will receive the police papers on the given date and be present on the date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date 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.

Ranjan/-

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(Mihir Kumar Jha, J)