

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18636 of 2015

Arising Out of PS.Case No. -237 Year- 2014 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Chanda Devi. Wife of Late Ganesh Singh.
 2. Kishori Singh. Son of Late Bhajan Singh.
 3. Sandeep Kumar @ Sanjeet Kumar. Son of Late Vijay Singh.
- All are resident of village - Basochak Shekhauna, P.S.- Saraiya, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 15-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Section 304(B)/34 of the Indian Penal Code and an admitted position that the petitioner no.1 is the sister-in-law (Chacheri Gotni), petitioner no.2 is the father-in-law (Chacheri Sasur) and petitioner no.3 is the nephew (Bhatija) and that the police in course of investigation had initially filed charge-sheet under Section 306 of the Indian Penal Code only against the husband of the deceased lady whereafter the court below, differing with the charge-sheet, had taken cognizance under Section 304(B)/34 of the Indian Penal Code and issued summons against all the accused persons including the petitioners, this Court,

having regard to the fact that the petitioners have also got no criminal antecedent, would be inclined to grant privilege of anticipatory bail to them.

That being so, if the petitioners, namely, Chanda Devi, Kishori Singh and Sandeep Kumar @ Sanjeet Kumar 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 Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Saraiya P.S. Case No. 237 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 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.
- (ii) 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.
- (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.

It is also made clear that the case of the co-accused the husband, namely, Jai Prakash being clearly distinguishable, he would not be granted bail on the strength and/or support of this order of bail to the petitioners.

(Mihir Kumar Jha, J)

Rishi/-

U		T	
---	--	---	--