

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46913 of 2014

Arising Out of PS.Case No. -113 Year- 2014 Thana -MITHANPURA District- MUZAFFARPUR

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Dr. Nitu Singh, W/o Dr. Krishna Mohan Singh, Resident of Mohalla
Malighat, P.S. Mithanpura, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate.

For the O.P./s : Mr. Ashok Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 23-04-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 147, 149, 307 and 379 of the Indian Penal Code and section 302 of the Indian Penal Code has been later on added on account of death of the deceased in course of her treatment and the fact that the petitioner is a lady about whom it is said that she along with her husband had a dispute with the informant with regard to their relationship of landlord and the tenant, this Court, keeping in view that the petitioner has got no criminal antecedent and there is only an omnibus allegation against her and the main role in burning the informant has not been played by her, but by her husband as well as some other male members and also in complete absence of any specific overt act against the petitioner would find her entitled for

privilege of anticipatory bail.

That being so, if the petitioner namely, Dr. Nitu Singh surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Mithanpur P.S.Case No. 113 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 he 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.

It is however made clear that the order of grant of anticipatory bail to the petitioner basically on account of her being lady and also having no criminal antecedent shall be of no help and assistance either for her husband and/or any other male members who have been made accused in this case on the basis of ferd bayan of the informant which after her death on account of burn injuries caused by other named co-accused persons has become her dying declaration.

(Mihir Kumar Jha, J)

Sujit/-

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