

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36471 of 2014

Arising Out of PS.Case No. -196 Year- 2012 Thana -RAJNAGAR District- MADHUBANI

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1. Bibha Devi W/o Chande Mandal
2. Poonam Devi W/o Manoj Mandal
3. Manoj Mandal S/o Raje Mandal All Resident of Village Usrahi, P.S. Rajnagar, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-02-2015 Heard learned counsel for the parties.

Learned counsel for the petitioner at the outset seeks permission to withdraw the prayer of anticipatory bail of petitioner no. 3, Manoj Mandal stating that he has already been arrested.

That being so, the prayer for anticipatory bail of the petitioner no. 3, Manoj Mandal is hereby rejected.

Learned counsel further explains that the allegation under Sections-304(B), 201 and 34 of the Indian Penal Code may hold water against Raghubir Mandal the husband but both the petitioners i.e., petitioner no. 1, Bibha Devi and petitioner no. 2,

Poonam Devi are the Sisters-in-Law (Gotni) and therefore, their being made liable for the time being would not inspire confidence.

In view of the aforementioned submission and the fact that these two lady petitioners have also got no criminal antecedent this Court would hold them to be entitled for privilege of anticipatory bail.

That being so, if the petitioner no. 1, Bibha Devi and petitioner no. 2, Poonam Devi, surrender within a period of four weeks from today, they would 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, Madhubani** in connection with **Rajnagar P.S. Case No. 196 of 2012** corresponding to **G.R. No. 2568 of 2012** 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 petitioners who will give 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 petitioner.

(ii) 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.

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

(iv) That the petitioners will be well

represented on each and every date 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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