

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45217 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -JADIA District- SUPAUL

Suhagwati Devi W/o Bidyanand Ram resident of village - Bagheli Ward
No. 6, P.S. - Jadia, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Choudhary, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, (APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 02-09-2015

Heard learned counsel for the parties.

This case was earlier dismissed for default by order dated 7.5.2015 and has been restored today by a separate order passed in the connected case, Cr. Misc. No. 31163 of 2015. This Court has also heard learned counsel for the parties in connection with a prayer of the petitioner for grant of anticipatory bail.

The petitioner is facing prosecution for offence under Section 304(B), 201, 34 of the Indian Penal Code. Learned counsel for the petitioner has submitted that there is no specific allegation against the petitioner and that the main accused being the husband of the deceased, namely, Binod Ram, son of the petitioner, is already in jail. It has also been submitted that the husband of the petitioner, being the father-in-law has been granted

regular bail.

Considering the fact that the main accused has already been granted bail and the petitioner has got no criminal antecedent and there is nothing direct to connect her in connection with the present offence, this Court would direct the petitioner, namely, Suhagwati Devi to surrender before the court below within a period of four weeks from today and if she does so, she will 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 Chief Judicial Magistrate, Supaul in connection with Jadia P.S. Case No. 40 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 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 an accused in any other case and if she 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 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.

(Mihir Kumar Jha, J)

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