

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13954 of 2014

Arising Out of PS.Case No. -45 Year- 2013 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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Draupadi Devi W/O Asharfi Bhagat Resident Of Village- Sri Chandrapur
Kothia, P.S- N.H. Banga, District- Samastipur.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anish Chandra

For the Opposite Party/s : Mr. B.M.P Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 02-09-2015 Since this case has been restored by a separate order passed

in Cr.Misc.No. 43777/2014 the parties have also been heard on

merits.

The petitioner facing prosecution for offence under
sections 302, 201/34 of the Indian Penal Code has come out with a
defence that apart from there being omnibus allegation against all
the family members of the deceased, who was daughter-in-law of
the petitioner, even the trial against two of the co-accused Kishori
Chourasiya and Arbind Bhagat being the husband and the brother-
in-law of the deceased has ended in their acquittal.

Considering the fact that the prayer for anticipatory bail of
the petitioner was pending before this Court since 21.3.2014 and
the subsequent event of the trial against the main accused, the
husband, has already ended in acquittal, this Court by taking into



account that the petitioner has also got no criminal antecedent would direct her to surrender within a period of four weeks from today and if she does so, she (Draupadi Devi) shall 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 the Chief Judicial Magistrate, Samastipur in National Highway Bangra P.S.Case No. 45/2013, subject to the following conditions:

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that she is accused in any other criminal case, she shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a 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.

(iii) 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.

(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.

Before parting with this Court must record that it has found from the judgment that even the Investigating Officer was not examined in S.Tr.No. 361/2014 arising out of National Highway P.S.Case No. 45/2013 and therefore, this Court would direct the Superintendent of Police, Samastipur to take necessary action against the erring Investigating Officer as also to ensure that at least in the trial of the petitioner the said Investigating Officer remains present.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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