

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24750 of 2015

Arising Out of PS.Case No. -202 Year- 2014 Thana -KHAGAUL District- PATNA

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1. Ramjee Sharma Son of Late Daya Ram
2. Sushila Devi @ Sushila Sharma Wife of Ramjee Sharma
3. Prem Chandra Son of Ramjee Sharma
All are residents of Village - Choti Badalpura, Police Station - Khagaul,
District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 24-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-302, 201/34 of the Indian Penal Code and that the unfortunate deceased was only the son of petitioner nos. 1 and 2 and own brother of petitioner no. 3, this Court by taking into account the materials which have come in the case diary, would find only the petitioner no. 2, being the lady to be entitled for privilege of anticipatory bail but the same privilege cannot be given



to petitioner nos. 1 and 3, keeping in view the two circumstances. Firstly, that the deceased was allegedly a mental patient and his marriage was performed at his late age and therefore, it was the responsibility of the father and the brother to at least maintain a cordial atmosphere in the house. Secondly, this Court would find that the dead body of the deceased was also disposed of even without allowing the informant-widow to have a look of her husband. It has also come in case diary that even other close relatives, on the side of the petitioners, were not informed of the death and the dead body was disposed of in great hurry.

Thus, while rejecting the anticipatory bail of the petitioner nos. 1 and 3, this Court would grant the privilege of anticipatory bail to the petitioner no. 2.

That being so, if the petitioner namely, **Sushila Devi**, surrenders within a period of four weeks from today, she would 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 **Sub-Divisional Judicial magistrate, Danapur, Patna** in connection with **Khagaul P.S. Case No. 202 of 2014 (G.R. No. 3420 of 2014)**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also 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 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 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 give an undertaking that she will receive the police papers on the given date and be present on the date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse.

(v) 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.

(Mihir Kumar Jha, J)

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