

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6104 of 2015

Arising Out of PS.Case No. -60 Year- 2014 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

- =====
1. Kuldip Sahani S/o Late Pare Sahani
 2. Bina Devi W/o- Deva Nand Sahani
 3. Sujit Kumar Sahani S/o- Kul Dip Sahani
- All Resident of village- Bichhroili (Lakhan Tola), P.S.- Tisiauta, Distt.-
Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1
For the Opposite Party/s : Mr. Dr.Kr.Uday Pratap(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 21-05-2015 Learned counsel for the petitioners submits that the petitioner no.1 has since been apprehended and, therefore, the prayer for anticipatory bail of the petitioner no.1, namely, Kuldip Sahani is hereby rejected.

Having regard to the nature of allegation for offence under Section 304(B), 201/34 of the Indian Penal Code, while this Court would be inclined to grant privilege of anticipatory bail to the petitioner no.2, Bina Devi who is said to be Gotni (sister-in-law) but the same privilege cannot be given to petitioner no.3, Sujit Kumar Sahani because it is the case of the prosecution as supported by the mother of the deceased that the husband of the deceased was residing in Delhi and she was living with the family

members including Kuldip Sahani (father-in-law) and the petitioner Sujit Kumar Sahani, the Dewar.

In that view of the matter, while the prayer for anticipatory bail of the petitioner no.3, namely, Sujit Kumar Sahani is hereby rejected, if the petitioner no.2, namely, Bina Devi would surrender before the court below within a period of four weeks from today, she will be released on bail on furnishing on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 60 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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