

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18661 of 2015

Arising Out of PS.Case No. -84 Year- 2014 Thana -AWTARNAGAR District- SARAN

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1. Malauti Devi wife of Muneshwar Rai
2. Guddi Devi Daughter of Muneshwar Rai Petitioners no.1 and 2 are
resident of Village-Sandha, P.S.- Awtar Nagar, District- Saran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1
For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-06-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under sections 302, 328, 201/34 of the Indian Penal Code and that the victim lady whose dead body had been found under suspicious circumstances by the police in course of investigation, was a widow whose welfare was in the hands of petitioner no.1, the mother-in-law, this Court would not be inclined to grant privilege of anticipatory bail to her on the basis of a statement of the daughter of the victim girl whose version has been found to be incorrect by the police itself in course of investigation.

That being so, the prayer for anticipatory bail of petitioner no.1 is, hereby, rejected.

This Court, however, will not for the time being reject the prayer for anticipatory bail of petitioner no.2 about whom it is



orally said that she is married Nanad and is not living with the family of petitioner no.1. There being no averment in the bail application nor petitioner no.2 even disclosing the name of her husband, this Court would direct petitioner no.2, Guddi Devi, to surrender before the court below within a period of four weeks from today and if she can prove that she is the married daughter of petitioner no.1 and was staying separately from petitioner no.1, 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 the Chief Judicial Magistrate, Saran in Awatar Nagar P.S.Case No. 84/2014, subject to the following conditions:

(i) 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.

(ii) 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.

(iii) 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.

(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.

surendra/-

(Mihir Kumar Jha, J)

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