

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30239 of 2014

Arising Out of PS.Case No. -131 Year- 2013 Thana -JAMALPUR District- DARBHANGA

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1. Panchu Rai Son of Sukan Rai
2. Runa Devi W/o- Sukan Rai
Both Resident of Village - Raghunathpur, P.S. - Jamalpur, District -
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Binod Kumar-Iii(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 14-01-2015 Having heard learned counsel for the parties, while this Court is inclined to grant anticipatory bail to the petitioner no. 2, the mother-in-law facing allegation for offence under Sections 304(B)/201/34 of the Indian Penal Code, the same privilege cannot be given to the petitioner no. 1, the husband, who must surrender and seek regular bail. Thus the prayer of anticipatory bail of Panchu Rai, the petitioner no. 1 is rejected.

That being so, if the petitioner no. 2, namely, Runa Devi would surrender within a period of four weeks from today, she shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul at Benipur, Darbhanga in connection with Jamalpur P.S.

Case No. 131 of 2013, subject to the following five conditions:

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- (i) That both of 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 she 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)

Sujit/-

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