

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16710 of 2015

Arising Out of PS.Case No. -83 Year- 2014 Thana -UJIYARPUR District- SAMASTIPUR

1. Kiran Devi W/o Anil Jha
2. Anil Jha S/o Bhuneshwar Jha
3. Pawan Kumar Jha@Pawan Kumar S/o Anil Jha
4. Rani Devi W/o Pawan Jha
5. Sohan Kumar@Sohan Jha S/o Anil Jha All Resident of village Nikaspur,
P.s- Ujiarpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate.

For the Opposite Party/s: Mr. S.N Shukla (APP)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 14-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under Sections 302/34 of the Indian Penal Code and that since the sister of the informant was found dead in suspicious circumstances in the house, in absence of her husband, this Court will not be inclined to grant privilege of anticipatory bail to three male members i.e. accused petitioner nos. 2, 3 and 5 namely Anil Jha, Pawan Kumar Jha @ Pawan Jha and Sohan Kumar Jha @ Sohan Jha respectively but for the time being keeping in view the background in which it is said that there can be a possibility of suicide on account of the deceased being involved with Anil Jha her own brother-in-law (Bhaisur) and that amongst the two lady petitioners one of them,

namely, Kiran Devi who is the wife of Anil Jha, the Bhaipur is an accused, this Court would be inclined to grant privilege of anticipatory bail to both the lady petitioners namely Kiran Devi and Rani Devi only because they are ladies and/or having no criminal antecedent.

That being so, if the petitioners, namely, Kiran Devi and Rani Devi surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dalsingsarai, Samastipur in connection with Ujiarpur P.S.Case No. 83 of 2014; subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation

of their bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

The rest of the three male petitioner nos. 2, 3 and 5, namely, Anil Jha, Pawan Kumar Jha @ Pawan Jha and Sohan Kumar Jha @ Sohan Jha must surrender and if they do so, their case shall be decided by the court below for grant of regular bail on its own merit without being influenced by rejection of their prayer for anticipatory bail.

(Mihir Kumar Jha, J)

Sujit/-

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