

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19744 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -DARBHANGA District- DARBHANGA

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1. Nirmala Loharuka Wife of Ravi Sudhan Loharuka resident of village -
Raj Kumarganj, P.S. Town, District - Darbhanga.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 04-05-2016

Heard learned counsels for the petitioner, informant and
the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302, 120B of the Indian
Penal Code.

The accusation is of killing the sister of informant after
five years of the marriage.

It is submitted by the learned counsel for the petitioner
that petitioner is 70 years old lady and she is suffering from
various ailments. Though, the FIR was registered under Sections
302, 120B of the IPC but the police after conclusion of
investigation submitted charge sheet against the husband of victim
under Section 306 of the IPC but differing with the same
cognizance has been taken under Sections 302, 120B of the IPC. It
is further submitted that during post mortem examination no
external or internal injury was found.

Learned counsel for the informant submits that the

victim left some suicidal note though the impugned order does not reflect that any argument was made on behalf of the informant referring to such suicidal note.

Considering the fact that petitioner is a lady and the husband of victim has been charge sheeted under Section 306 of the IPC, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Darbhanga at Laherisarai in connection with Town P.S. Case No. 33 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners will be accepted on filing of an affidavit by the petitioner before the learned court below that she will regularly cooperate in the investigation. The learned court below will get the said affidavit transmitted to the concerned I.O. Non cooperation in the investigation will give liberty to the learned court below to cancel bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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