

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17309 of 2016

Arising Out of PS.Case No. -160 Year- 2005 Thana -BANIAPUR District- SARAN

- =====
1. Kamlawati Devi @ Kalawati Devi, Wife of Janak Deo Rai.
 2. Gita Devi, Wife of Late Binod Rai, both residents of Village-Harpur Kothi, P.S.- Janta Darbar, District- Saran.
- =====

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-05-2016

Petitioner is permitted to correct the residential

address of both the petitioners being Village Harpur Kothi, P.S.

Janta Bazar, District Saran.

Heard learned counsel for the petitioners and
learned APP for the State.

Petitioner no. 1 is the mother-in-law and petitioner
no. 2 is the wife of the deceased. They apprehend their arrest in
connection with Baniyapur P.S. Case No. 160 of 2005 registered
for the offences punishable under Sections 302, 201/ 34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that informant's son was married to petitioner No.2, but there was
no cordial relation between them. On the alleged date of

occurrence, the deceased went to her sasural to bring his wife but did not return. Informant raised suspicion that all sasural people including the petitioners killed his son and disposed of the dead body.

Petitioners had approached this Court earlier in Cr. Misc. No. 5188 of 2007 which was permitted to be withdrawn on 02.04.2007 but with observation that as and when petitioners surrender and pray for regular bail, the learned court below shall take its own view without being prejudiced by any order under Section 438 Cr.P.C.

It has been submitted by the learned counsel for the petitioners that they are innocent and petitioner No.2 was living a happy married life with Late Binod Rai. It has further been submitted that there is no eye-witness to the alleged occurrence and the allegations being general and omnibus against all the family members of the petitioners, the father-in-law one Janakdeo Rai has been acquitted in Sessions Trial No. 161 of 2007 on 21.09.2015 on the same and similar allegations by the learned Additional District and Sessions Judge-V, Saran, Chapra and the petitioners facing similar allegations would also be acquitted as there is no eye-witness to the alleged occurrence.

However, the learned APP for the State submits that

the allegations being serious in nature, as such, petitioners do not deserve the privilege of anticipatory bail.

Be that as it may, since the other co-accused has already been acquitted on similar charges, let the petitioners, named above, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran, in connection with Baniyapur P.S. Case No. 160/05, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--