

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13567 of 2016

Arising Out of PS.Case No. -151 Year- 2015 Thana -BABUBARHI District- MADHUBANI

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1. Munchun Devi Daughter of Bhaju Kamat
2. Subhas Kumar Kamat@Subhash Kamat Son of Bhaju Kamat resident of
Village- Pachrukhi , PS Babubarhi, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 26-05-2016

Heard the counsel for the petitioners and Mr. Ram
Chandra Singh APP for the State.

The petitioners apprehend their arrest in connection
with Babubarhi P.S. case no. 151 of 2015, registered under
Sections 302, 201/34 of the IPC.

The niece of the informant was married to the brother
of the petitioner no.1 several years ago. The marriage has
produced siblings. It is alleged that while the deceased was at
matrimonial home she was done to death by the in-laws, as earlier
torture was also perpetrated.

The contention of the petitioners is that petitioner
no.1 is married 'Nand' whereas petitioner no.2 is the younger
devar of the victim. The supervision note has suspected
implication of these two petitioners in the crime as on the
previous day there was quarrel between the deceased and her
mother-in-law. The counsel for the petitioners has also placed the

statement of the daughter of the victim contained in para 12 of the case diary which also absolve the petitioner.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM IInd, Madhubani in connection with Babubarhi P.S. case no. 151 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner(s).
- (ii) As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law.

Shyam/-

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(Kishore Kumar Mandal, J)