

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13504 of 2016

Arising Out of PS.Case No. -34 Year- 2015 Thana -ANDHRAMATH District- MADHUBANI

1. Sarita Kumari @ Sarita Devi, Daughter of Bhagawani Rout,
2. Anita Devi, Wife of Kamaldeo Rout,
3. Sudha Devi, Wife of Bhagawani Rout, All are resident of Village-
Bajuban, P.S.- Andhramath, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Anil Kr. Singh(APP)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 08-04-2016 At the very outset, the learned counsel appearing on behalf of the petitioners submits that during the pendency of the present application for anticipatory bail, the petitioner no.2- Anita Devi, has been apprehended by the police; therefore, the petition filed on her behalf for grant of anticipatory bail has become infructuous.

In above view of the matter, the petition filed on behalf of the petitioner no.2- Anita Devi for grant of anticipatory bail in connection with Andhramath P.S. Case No. 34 of 2015 dated 02.06.2015 corresponding to G.R. No. 872 of 2015, pending in the court of the learned Judicial Magistrate, 1st Class, Jhanjharpur at Madhubani, is dismissed as infructuous.

Heard the parties.

Now, so far petitioner no. 1- Sarita Kumari @ Sarita Devi and petitioner no.3- Sudha Devi are concerned, they apprehend their arrest in a criminal prosecution registered under Section 302/34 of the Indian Penal Code.

Taking into consideration the fact that both the above



petitioners are ladies and the allegation against them are general and omnibus in nature of hurling abuses and assaulting by fists and kicks and also taking into consideration the fact that specific allegation of assault by an iron handle of Hand-pump is against co-accused Kapaldeo Raut, as a result of which the deceased appears to have become unconscious and was taken to hospital for treatment, where she is said to have died during the course of treatment, and further taking into consideration the fact that both the petitioners are said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the aforesaid two petitioners for grant of anticipatory bail.

In the event of their arrest or surrender in the Court below within a period of four weeks from today, let the above named two petitioners viz petitioner no. 1 and 3 be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Jhanjharpur at Madhubani, in connection with Andhramath P.S. Case No. 34 of 2015 dated 02.06.2015 corresponding to G.R. No. 872 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C and subject to the further conditions that:

- (A). One of the bailors must be government servant or close family member of the petitioners, who will file an affidavit in the Court below showing his relationship with the petitioners,
- (B). if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioners,

and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned and

(C). the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every dates, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioners.

(Birendra Prasad Verma, J)

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