

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29536 of 2016

Arising Out of PS.Case No. -305 Year- 2014 Thana -MASAURHI District- PATNA

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Khusbu Kumari @ Khushbu Devi, wife of Dharmendra Giri, D/o- Sri raja
Giri, resident of village Taregana Math, P.S.- Masaudhi, District- Patna, at
present, resident of village + P.S.- Haidar Nagar, Dist. Palamu (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 09-09-2016

Heard the Counsel for the petitioner and the APP for
the State.

Petitioner is the wife of the deceased and is facing
prosecution under Section 306 IPC vide Masaurhi P.S. Case No.
305 of 2014 lodged by the father of the deceased.

While the deceased was staying in his house, it is
alleged that he consumed some poisonous substance. In course of
treatment, he died. The father of the deceased has alleged that his
daughter-in-law (the petitioner) had a matrimonial discord with
the deceased and lodged a case under Section 498A IPC against
him which disturbed the mental balance of the deceased. There is
no allegation that the petitioner was present at the Sasural.

Looking to the nature of the allegation, I am inclined to
extend the privilege of anticipatory bail to the petitioner. In the

event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in Masaurhi P.S. Case No. 305 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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