

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6647 of 2016

Arising Out of P.S. Case No. - 309 Year - 2015 Thana - PIRPAINTI District -
BHAGALPUR

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Kala Mishra @ Mostt. Kala Mishra, W/o Late Jai Prakash
Mishra, Resident of Village - Olapur, P.S. - Pirpainty,
District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the State : Md. Fahimuddin (A.P.P.)

For the Informant : Mr. Bindhyachal Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 14-03-2016 Heard learned counsel for the petitioner,

learned Additional Public Prosecutor for the State and

learned counsel for the informant.

This application, for grant of anticipatory bail,
arises out of Pirpainty P.S. Case No.309 of 2015,
disclosing offences under Sections 302/34 and 120(B) of
the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is a lady.



Learned counsel for the petitioner submits that there is no evidence of any overt act by the petitioner leading to murder of the deceased. According to him, the petitioner has been implicated in this case merely on the basis of suspicion of the informant, as, according to the informant, the petitioner was seen fleeing away from near the place of occurrence.

Learned counsel for the informant, on the other hand, has opposed the prayer for anticipatory bail and has contended that an accused arrested in course of investigation, while confessing his guilt, has stated before the police that he was set-up by the petitioner to kill the deceased. He, accordingly, submits that the petitioner was the main conspirator in getting the deceased killed.

Be that as it may be, considering the facts and circumstances of the case, gravity of the offence and the fact that the petitioner has been named in the confessional statement of a co-accused, I am not inclined to grant her the privilege of anticipatory bail, as her custodial interrogation by the police may be required.

Accordingly, this application for anticipatory bail is, hereby, rejected.

The petitioner, abovenamed, is directed to surrender before the court below within a period of two weeks from today and seek regular bail, if so advised. If she does so, her application for regular bail shall be considered by the learned court below on its own merit, without being prejudiced by rejection of present application for grant anticipatory bail.

(Chakradhari Sharan Singh, J.)

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