

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43199 of 2016

Arising Out of PS.Case No. -254 Year- 2016 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Putul Devi wife of Raju Sao
 2. Kanhai Kumar alias Kanhaia Kumar, son of Raju Sao, both resident of village Samaspura, P.S. Mahua, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Dubey, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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05-10-2016

Heard the parties.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 307/34 and some other allied offences under the Indian Penal Code.

The learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 happens to be own sister-in-law of the informant Munni Devi and the petitioner no.2 is the son of the petitioner no.1. It is also submitted that the occurrence in question has taken place on account of certain family dispute.

Taking into consideration the nature of allegation as disclosed in the F.I.R. vide Annexure-1 as also taking into consideration the fact that the ingredients for constituting the offence under Section 307 I.P.C. do not appear to be there and further taking into consideration the fact that the petitioner no.1 is a lady and petitioner no.2 is the young boy aged about 18 years, who are said to be the first offenders, this Court is inclined to accede to the prayer made on behalf of the 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 petitioners be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, at Hajipur (Vaishali), in connection with Mahua P.S. Case No. 254 of 2016, 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 petitioners are 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-bond 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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