

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19523 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

- =====
- 1. Fulpati Devi Wife of late Karu Yadav
 - 2. Madhu Kumari@Madhua Kumari D/o Late Karu Yadav Both resident of Lalo Pokhar Amber , PS Bihar District Nalanda.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

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Appearance :

- For the Petitioner/s : Mr. Sanjay Prasad, Adv.
- For the Opposite Party/s : Mr. Ashok Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2016 Heard learned counsels for the petitioners and the State.

The petitioners being the mother and unmarried sister of the victim are apprehending arrest in a case registered for the offences punishable under Sections 498A, 323, 325, 307 and 304B/34 of the Indian Penal Code.

The basic accusation is of killing the daughter of the informant after 5-6 years of marriage for non-fulfillment of the dowry demand. It is alleged that the daughter of the informant was assaulted by the accused persons including the petitioners and she was driven out from the matrimonial house when the police took her to hospital where during treatment the victim died. It is also alleged that four years old son of the victim is also missing.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners is omnibus and general. Thrust of accusation is against the husband of the victim. Petitioner no.1 is 70 years old and petitioner no.2 is unmarried girl.

It is submitted by learned Senior counsel for the informant that all the accused persons including the petitioners badly assaulted the informant and threw the informant on the road in injured condition.

Though, the accusation is actually heinous but keeping in view of the fact that petitioner no.2 is unmarried girl and the accusation is omnibus and general, let the above named petitioner no.2 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bihar Sharif, Nalanda in connection with Bihar P.S. Case No. 61 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner no.2 will be accepted on filing of the affidavit by the petitioner no.2 before the learned court below to the effect that she will regularly co-operate in the

investigation. Non-co-operation in the investigation by the petitioner no.2 will give liberty to the learned court below to cancel the bail bonds of the petitioner no.2.

So far as petitioner no.1 is concerned, considering the nature of accusation, this Court is not inclined to grant anticipatory bail to petitioner no.1.

Accordingly, the prayer for bail of petitioner no.1 is rejected.

(Dinesh Kumar Singh, J)

Amrendra/-

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