

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12595 of 2017

Arising Out of PS.Case No. -101 Year- 2015 Thana -SILAW District- NALANDA
(BIHARSHARIFF)

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1. Binita Kumari D/o Sunil Prasad
2. Sunaina Devi W/o Sunil Prasad
3. Guddi Devi W/o Anil Prasad All residents of village - Dularua Bigha,
P.S. - Silao, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP
For the Informant : Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 02-05-2017 This is an application for grant of anticipatory bail
for offences punishable under Section 364 of the Indian Penal
Code.

Petitioners are named in the F.I.R. and allegation is
that they have taken away wife of the informant and thereafter she
was traceless and later on, her decomposed body was recovered.
Further, allegation is that earlier informant had married the
deceased against her family members including the petitioners and
as such, the occurrence took place.

Heard learned counsel for the petitioners.

It has been submitted on behalf of the petitioners that



there is nothing against petitioners no. 1 and 3. There is allegation that petitioner no. 2 had taken away the wife of the informant.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners.

Having heard both sides and from perusal of the case diary it appears that in confessional statement the names of petitioner no. 1 and 3 have transpired and complicity of petitioner no. 2 has been shown to the effect that she had taken away the deceased from the house of the informant.

Considering the aforesaid aspect of the matter, let above named petitioners no. 1 and 3 , in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty-five thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda, in connection with Silao P.S. Case no. 101 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the conditions that (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall



cooperate in the investigation and make themselves available before the police as and when required.

So far as petitioner no. 2 is concerned, I am not inclined to grant anticipatory bail to her, the same is rejected.

However, petitioner no.2 may surrender in the court below and make prayer for regular bail which will be considered and disposed of on its own merit without being prejudiced by the order of this Court.

Accordingly, this application stands disposed of.

(Vinod Kumar Sinha, J)

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