

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30165 of 2017

Arising Out of PS.Case No. -271 Year- 2016 Thana -DANAPUR District- PATNA

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1. Priyanka Devi @ Priyanka Kumari, w/o Lal Babu Singh,
 2. Lal Babu Singh @ Lal Babu Rai, s/o late Jagat Narayan Singh, both resident of Mohalla- Tulsinagar, P.S. Danapur, Distt.- Patna.
 3. Vikash Kumar, S/o Krishna Kumar, R/o Mohalla- Kholpur, P.S.- Sandesh, District- Ara (Bhojpur).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Danapur P.S. Case No.271 of 2016 instituted for the offence under Section(s) 302/34 Indian Penal Code.

It has been submitted that petitioner No.1 is second wife of petitioner No.2. Petitioner No.2 is husband of the deceased. There is allegation that all these petitioners have killed the sister of the informant because she could not bear the child.

It is alleged in the written report that the sister of the informant used to live in a rented house after her husband (petitioner No.2) performed second marriage with petitioner No.1. They called her twenty days prior to the occurrence to their



house and she was killed on 29.06.2016.

In this manner, from the allegation in the written report itself, it is apparent that sister of the informant was living in a rented house after petitioner No.2 performed second marriage with petitioner No.1 on account of her torture.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner No.2, Lal Babu Singh @ Lal Babu Rai, who is husband of the deceased.

Accordingly, prayer of the petitioner No.2 for grant of anticipatory bail is rejected. He may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner Nos.1 and 3 are concerned, there is no allegation of any specific overt act against them.

In the facts and circumstances of the case, prayer of the petitioner Nos.1 and 3 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner Nos.1 and 3, named above, within six weeks from today in connection with Danapur P.S. Case No.271 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of the ACJM, Danapur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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