

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26840 of 2017

Arising Out of PS.Case No. -496 Year- 2016 Thana -PHULWARI District- PATNA

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1. Usha Devi age 47 years, wife of Anand Kumar,
 2. Mandavi Devi alias Mandli Devi age 36 years, wife of Santos Kumar alias Guddu,
 3. Bharat Kumar alias Bharat Je, aged 38 years, son of Rameshwar Sharma,
 4. Ankit Kumar age 22 years, son of Anand Kumar, all resident of village- Hulaschak, P.S. Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 30-06-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Phulwarisharif P.S. Case No.496 of 2016 instituted for the offence under Section(s) 306/34 Indian Penal Code.

It has been submitted on behalf of the petitioners that for the same occurrence a UD case bearing No.03 of 2016 was instituted on the written report of Rimpi Kumari, daughter of the deceased. Thereafter, after delay of about 18-19 days on 01.09.2016, father of the deceased has filed the instant case making allegation against the petitioners and other accused persons of committing murder of his daughter by assaulting her



and also pressing her neck.

Counsel for the petitioner has annexed Xerox copy of Post Mortem Report, wherein, it is mentioned that various viscera were preserved and they were sent for examination at Forensic Science Laboratory. Counsel for the petitioner has produced Xerox copy of the FSL report, wherein, it is mentioned that Aluminium Phosphide (Celphos) was detected in the contents of glass jar.

Petitioner Nos.1 and 2 are *Gotani* and petitioner No.3 is *Dewar* of the deceased. Petitioner No.4 is nephew of husband of the deceased. There is no specific allegation of any overt act against these petitioners either in the instant case or in the written report on the basis of which UD case was registered.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Phulwarisharif P.S. Case No.496 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 Judicial Magistrate, 1st class, Patna, 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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