

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44357 of 2017

Arising Out of PS.Case No. -531 Year- 2015 Thana -KANTI THARMAL POWER District-
MUZAFFARPUR

- =====
1. Shaira Khatoon, w/o Motim Sai @ Munif Sai,
 2. Neesa Khatoon, w/o Sai Mohammad, both resident of village- Dumari
Parmanandpur, P.S.- Dewariya, District- Muzaffarpur.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 02-11-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Kanti P.S. Case No.531 of 2015** instituted for the offence under Section(s) 364/34 Indian Penal Code.

Counsel for the petitioners has submitted that the instant case has been filed on 13.10.2014 by the Informant as a counter blast to the case filed by husband of Petitioner No.1 being Kanti P.S. Case No.511 of 2014 against the Informant alleging that after marriage of her daughter she went to *Sasural*. She gave birth to male child, but family member of his son-in-law did not allow husband of the petitioner No.1 to meet the *Nati* (newly born child). They were informed that his *Nati* and



daughter are living in Delhi and other places. It has been alleged in the First Information Report that he has apprehension that they have been killed.

Instant case has been filed after filing of Kanti P.S. Case No.511 of 2014 by husband of petitioner No.1, which was sent to P.S. under Section 156 (3) Cr. P. C. In the instant case, mere suspicion has been raised against these petitioners, who are ladies.

Learned Additional Sessions Judge has mentioned in the impugned order that in spite of specific direction case diary was not made available to him.

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 **Kanti P.S. Case No.531 of 2015**, 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 **Sub-Divisional Judicial Magistrate, Muzaffarpur (West)**, 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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