

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7515 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Jai Shankar Singh, son of late Sheojee Singh (wrongly mentioned in the F.I.R as son of late Sewak Singh).
 2. Santoshi Singh, wife of Jai Shankar Singh, both are resident of Village- Matiaur, Police Station- Mohiuddinnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate
For the Opposite Party/s : Mr. Manoj Kumar – 1, APP
Mr. B. J. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 19-04-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Mohiuddin Nagar P.S. Case No.162 of 2016 instituted for the offence under Section(s) 304-B/34, 201, 120-B Indian Penal Code.

As per written report, informant got information that his sister has been done to death by his brother-in-law, Prem Shankar Singh @ Nanki Singh, and her dead body has been thrown into river.

It has been submitted on behalf of the petitioners that husband of the deceased is already in custody. Petitioner No.1 is cousin brother of husband of the deceased and the



petitioner No.2 is wife of cousin brother of husband of the deceased.

Counsel for the informant has appeared and has submitted petitioner No.1 is own brother of husband of deceased.

Supplementary Affidavit has been filed on behalf of the petitioners that although petitioner No.1 was own brother of husband of the deceased, but he had been adopted by his uncle, late Sheojee Singh, and in support of his adoption the petitioner No.1 has filed his matriculation certificate issued in the year 1989, wherein, father's name of petitioner No.1 has been mentioned as Sheojee Prasad Singh.

Counsel for the informant was given liberty to file Counter Affidavit to controvert the statements of the petitioners made in the Supplementary Affidavit, but no such Counter Affidavit has been filed.

Be that as it may, from the allegation in the written report, it appears that there is no allegation of any specific overt act against the petitioners.

Case diary was called for, which has been received.

The learned APP has also stated that there is no specific overt act against the petitioners.

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 Mohiuddin Nagar P.S. Case No.162 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 Additional Chief Judicial Magistrate, Samastipur, 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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