

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26338 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -TANKUPPA District- GAYA

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1. Soni Kumari D/o Late Ranvijay Kumar Singh, R/o Village-
Makhdumpur, P.S.- Tankuppa, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -2

For the Informant : Mr. Praveen Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 13-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in a case instituted
for the offences under Sections 304(B) and 201/34 of the Indian
Penal Code.

Rahul Kumar Singh, who happens to be the husband of
the victim has already surrendered and petitioner is own sister
of Rahul Kumar Singh, she is unmarried.

The marriage of the victim was solemnized with Rahul
Kumar Singh. Allegation has been made that when demand was
not satisfied the sister of the informant was killed and dead
body of the deceased was cremated. Allegation has been made
that present petitioner has made statement on phone that the



victim has been done to death and her dead body has been cremated whatever they like they do so. On early occasion this Court is of the view that unless the husband of the victim surrenders, the anticipatory bail of the petitioner cannot be considered.

Today learned counsel for the petitioner submits that when process under sections 82 and 83 of the Code of Criminal Procedure has been issued, in such circumstances, the person is made disentitled to have privilege of anticipatory bail, placed reliance on the judgment of the Hon'ble Supreme Court in the case of State of Madhya Pradesh v. Pradeep Sharma, reported in (2014(2) SCC 171.

In the present case, petitioner is Nanad of the victim. Only allegation has been made against her that she has also made statement on phone about non-fulfillment of demand.

Though process under Sections 82 and 83 of the Code of Criminal Procedure has been issued but looking to the facts and circumstances of the case, in the event of arrest or surrender within four weeks from today, let petitioner, namely, Soni Kumari, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief



Judicial Magistrate, Ist Gaya in connection with Tankuppa P.S.
Case No.13 of 2017, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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