

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37775 of 2017

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

=====

Pinki Devi @ Priyanka Kumari @ Pinku Devi D/o Late Ranvijay Kumar Singh, W/o Aswini Kumar, R/o Village- Makhdumpur, P.S.- Tankuppa, Distt.- Gaya at present R/at Village- Amnar, P.S.- Ekangar Sarni, Distt.- Nalanda.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Onkar Kumar

For the Opposite Party/s : Mr. Sri Atul Chandra

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Tankuppa P.S. Case No. 13 of 2017 instituted for the offence under Sections-304B, 201/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that she is married Nanad of the deceased. She is living separate with husband of the deceased in her matrimonial house. The other married Nanad with similar allegation have already been granted anticipatory bail by this court vide order dated 07-07-2017 passed in Cr. Misc. No. 26669 of 2017.

Learned counsel for opposite party No. 2 has submitted that the process u/S 82 Cr.P.C. has been issued by order dated 23-06-2017. He relied upon a decision of Hon'ble Supreme Court reported in



AIR 2014 (SC) 626 and stated that in case, the accused is declared proclaimed absconder, the anticipatory bail petition is not maintainable.

Counsel for the petitioner has submitted that the petitioner has already filed anticipatory bail before issuance of process u/S 82 of the Cr.P.C. Moreover, till date, the petitioner has not been declared proclaimed absconder. Only process u/S 82 of the Cr.P.C. has been issued on 22-06-2017.

From the written report itself, it appears that there is no allegation of any specific overt act against the petitioner. She is a lady.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Tankuppa P.S. Case No. 13 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Gaya subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 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 petitioner and (3) if petitioner



tampers 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 petitioner.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

