

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8073 of 2018

Arising Out of PS. Case No.-89 Year-2017 Thana- RIGA District- Sitamarhi

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1. Shanti Devi, Wife of Late Rajendra Pandit
 2. Shail Devi @ Kanti Devi, Wife of Lakhan Pandit @ Lakha Pandit, Both Resident of Village-Kumma, P.S. Piprahi, District-Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Riga P.S. Case No. 89 of 2017, instituted for the offence under Sections 363,366(A)/34 of the IPC.

Learned counsel for the petitioners has submitted that petitioners are mother and sister-in-law of co-accused Shiv Bachan Pandit. They have no role in kidnapping the victim girl. Learned counsel for the petitioners has filed supplementary affidavit in the court below and submitted that the victim girl has solemnized marriage with Shiv Bachan Pandit on 08.11.2016, in temple. In support of such marriage, affidavit was sworn by Munni Kumari at Delhi, which has been annexed as Annexure-A to the supplementary affidavit.



Learned counsel for the petitioners has submitted that after marriage both spouses were living together. In the meantime, the daughter of the informant became pregnant and during pregnancy some complication has developed and she died on 17.02.2017, at S.K.M.C.H., Muzaffarpur, during the course of treatment, for which death certificate has been issued by Hospital Registrar, S.K.M.C.H., Muzaffarpur, on 20.04.2017. The death certificate has been enclosed with supplementary affidavit at page 12, showing the date of death on 17.02.2017 and Munni Devi was admitted as wife of Shiv Bachan Pandit.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Riga P.S. Case No. 89 of 2017, to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will



automatically cancel bail bonds of the petitioners and (3) if the petitioners 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 petitioners.

(Sanjay Priya, J)

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