

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41705 of 2018

Arising Out of PS.Case No. -36 Year- 2013 Thana -BHIMPUR District- SUPAUL

- =====
1. Amerika Devi, Wife of Bhupendra Singh @ Bhupendra Prasad Singh.
 2. Bhupendra Singh @ Bhupendra Prasad Singh, Son of Late Ram Bilash Singh,
- Both are resident of Village Bhimpur, P.S. Bhimpur District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Bhimpur P.S. Case No. 36 of 2013** instituted for the offence under Sections 328 and 302 of the Indian Penal Code.

In the written report it is alleged that daughter of the informant Babita Kumari informed the informant that petitioner No. 2 has forcibly put something in the mouth of her mother after taking out plastic from his pocket, due to which, froth was coming out from the mouth. The informant came to his house and found his wife senseless. She died while arrangement was being made for her better treatment.



Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that statement of daughter of informant Babita Kumari has been recorded in paragraph-7 of the case diary wherein she has levelled specific allegation against petitioner No. 2. Post mortem report is available in the case diary wherein it is mentioned that cause of death could not be ascertained and viscerae have been preserved.

This Court after looking into the allegation in the written report finds that there is specific allegation against petitioner No. 2. Therefore, this Court is not inclined to grant anticipatory bail to petitioner No. 2

Prayer for anticipatory bail of petitioner No. 2 stands rejected.

So far petitioner No. 1 namely, Amerika Devi is concerned, there is no allegation of any specific overt act against her. Therefore, prayer for anticipatory bail of the petitioner No. 1 namely, Amerika Devi is allowed. In the event of surrender/arrest of the petitioner No. 1, named above, within six weeks from today, in connection with **Bhimpur P.S. Case No. 36 of 2013**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned **Chief Judicial Magistrate, Supaul / Incharge Successor Court**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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.

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(Sanjay Priya, J)

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