

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33298 of 2017

- =====
1. Geeta Devi, W/o Late Baijnath Rai,
 2. Pinki Devi @ Smt. Pinki Devi W/o Late Harendra Rai, Both Resident of Village- Reva, Lilla Tola, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 11-04-2018

Heard Dr. Amrendra Kumar, learned counsel

for the petitioners and Mr. J.N. Thakur, learned counsel for the State.

The present application has been filed for modification of order dated 03.10.2016 passed in Cr. Misc. Nos. 28160 of 2016 and 31979 of 2016 so far as Geeta Devi and Pinki Devi are concerned, to the extent of grant of anticipatory bail to the petitioners since now the investigation has already concluded.

The factual matrix would unveil that the petitioners were granted anticipatory bail vide order dated 03.10.2016 passed in Cr. Misc. Nos. 28160 of 2016 and 31979 of 2016, as contained in Annexure-1, in a case registered for the offences punishable under Sections 498A and 304B/34 of the Indian Penal Code.



The prosecution case is that the daughter of the informant, namely, Poonam Devi was married with Satyendra Rai on 26.05.2016 and thereafter, further demand of a car, was made. For non-fulfillment of the same the accused persons caused burn injuries to the daughter of the informant, who succumbed to her injuries.

Considering the accusation being omnibus and general the petitioners being lady and happens to be mother and brother's wife of the husband of the victim were granted anticipatory bail till conclusion of investigation, consequently they surrendered and executed bail bond. Subsequently, vide Final Form No. 507/16 dated 31.12.2016 the petitioners were also charge sheeted.

Learned counsel for the petitioners submits that the husband of the victim Satyendra Rai has been acquitted by learned District & Sessions Judge-I, Danapur in Sessions Trial No. 650 of 2016 arising out of Maner P.S. Case No. 522 of 2016 vide judgment dated 18th November, 2016 since the prosecution witnesses have not supported the prosecution case. The certified copy of the judgment has been produced. Let it be kept on record.

Learned APP, however, submits that the present application is in the garb of renewing the prayer for



anticipatory bail, which is not maintainable.

Having heard the learned counsel for the parties, in view of this Court in pursuance to this Court's order dated 03.10.2016 the petitioners surrendered and executed bail bond and hence, they were under the deemed custody of the Court. On that ground alone, particularly, the judgment of Division Bench reported in 2014(1) PLJR 734, the anticipatory bail application is not maintainable. The petitioners cannot be granted the privilege of anticipatory bail now as allowing the present modification will amount to grant of anticipatory bail. But, in view of this Court since the petitioners being the lady have already been granted anticipatory bail till conclusion of the investigation. No useful will be served in remanding her to custody, particularly in view the fact that the main accused husband of the victim has already been acquitted.

In the circumstances, it is expected from learned Court below to consider the prayer for regular bail of the petitioners, if they surrender before the learned Court below within a period of six weeks in connection with Maner P.S. Case No. 522 of 2015 pending in the Court of learned ACJM, Danapur and pass appropriate order preferably on the same day on the undertaking that they will regularly appear during trial.



Accordingly, this modification application is
disposed of.

(Dinesh Kumar Singh, J)

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