

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58432 of 2017

Arising Out of PS.Case No. -162 Year- 2016 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Chanda Devi @ Nanda Devi, W/o Deepak Tanti @ Deepak Kumar, resident
of Village- Amber, Sharistal, Post- Biharsharif, P.S.- Bihar, District-
Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-01-2018 Heard the learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks anticipatory bail in connection with Bihar
PS case no. 162 of 2016 registered for the offences punishable
under Sections 323, 342, 504, 506, 302, 201 and 34 of the Indian
Penal Code.

The case of the prosecution is that when the informant had
gone to in-laws house of her daughter, she found that the accused
persons were sitting in the house and her daughter's room was
closed and when she went inside the said room she found that her
daughter was lying there and appeared to have died. Thereafter,
the accused persons are stated to have forcibly kept the informant in



confinement and in the meantime they had taken the dead body of the daughter of the informant and fled away.

The learned counsel for the petitioner submits that the petitioner is innocent and her name has not figured during the course of investigation. It is further submitted that as far as the other accused persons are concerned including the husband of the informant, all of them have been enlarged on bail and the petitioner has a clean antecedent.

Per contra, the learned counsel for the informant has submitted that the petitioner has approached this Court for anticipatory bail and, in fact, the anticipatory bail of co-accused persons was dismissed. It is further submitted that complicity of the petitioner is apparent from perusal of the case diary.

I find from the impugned order dated 16.10.2017 that during the course of trial of other accused persons, no direct evidence has been led as far as the present petitioner is concerned. It is further apparent that even the husband has been granted regular bail by this Court.

Having regard to the facts and circumstances of the case and the fact that the husband of the victim lady has also been granted bail I find no reason for rejecting the present petition.

Accordingly, in the event of arrest or surrender within six



weeks before the concerned court, the petitioner above named is directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda, Bihar Sharif in connection with Bihar PS case no. 162 of 2016, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is directed that the petitioner shall appear before the learned trial court on each and every date fixed and in case of two consecutive default in appearance, the present privilege of anticipatory bail would be cancelled and the petitioner will be taken into custody forthwith. It is also directed that the trial as far as the petitioner is concerned, be expedited.

(Mohit Kumar Shah, J)

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