

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10566 of 2018

Arising Out of PS.Case No. -445 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Mahendra Bind, Son of Dil Narayan Bind,
2. Gudiya Devi, Wife of Santosh Bind, Both residents of Village-
Parshurampur, P.S.- Mohaniya, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2018 Heard the parties.

The petitioners seek anticipatory bail in connection with Mohaniya P. S. Case No. 445 of 2017, registered for offences punishable under Sections 304B, 341, 323 and 504/34 of the Indian Penal Code.

Allegation against the petitioners is of committing murder of the daughter of the informant due to non fulfillment of dowry.

Submission of the learned counsel for the petitioners is that the petitioner No.1, is father-in-law and petitioner No. 2, is sister-in-law of the deceased and the allegation has been attributed against the petitioners is not specific.

Learned A.P.P. opposes the prayer for bail and submits that there is specific allegation against the petitioner No. 1,



Mahendra Bind, who had got Bidai of the daughter of the informant and thereafter all the accused persons on 12.08.2017 killed the daughter of the informant.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohhaniya P.S.Case No. 445 of 2017, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure.

With following conditions:-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) The petitioner shall co-operate in the investigation of the case and make herself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of her bail bond.



So far as the case of the petitioner No. 1 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

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