

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 54031 of 2018

Arising Out of PS. Case No.-180 Year-2017 Thana- Sheohar District- Sheohar

1. Tara Devi, wife of Late Anup Rai Sri, Resident of Village – Ukami, P.S. - Sheohar, District – Sheohar.
2. Goni Devi, wife of Ramashish Rai, Resident of Village – Bhoraha, P.S. - Riga, District – Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ramakant Sharma, Sr.Adv. Mr. Lakshmi Kant Sharma, Adv.
For the Informant	:	Mr. Devendra Kumar, Adv.
For the State	:	None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 11-09-2018 Heard Sri Ramakant Sharma, learned senior counsel assisted by Sri Lakshmi Kant Sharma, learned counsel for the petitioner. None appeared on behalf of State, whereas, Sri Devendra Kumar, learned counsel, appearing on behalf of informant, has opposed the prayer for grant of anticipatory bail.

Two petitioners, apprehending their arrest in Sheohar P.S. Case No. 180 of 2017 registered for offence under Sections 365, 366(A) and 34 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

Learned senior counsel for the petitioners submits that it was a case of eloping of the daughter of the informant with a boy, however; entire family members including distant relatives were made accused. He further submits that both the petitioners are not close relative, but फुआ (father's sister of boy) and both



are elderly person. Petitioner no. 1 (Tara Devi) is aged about 78 years, whereas, petitioner no. 2 (Goni Devi) is 90 years old, which fact has been noticed by learned court below, while rejecting the prayer for anticipatory bail. Besides aforesaid ground, the prayer for grant of anticipatory bail has been sought for on the ground of parity. It has been argued that other two accused persons namely Upendra Rai and Renu Devi have already been granted bail.

Considering the nature of accusation, particularly old age of both the petitioners, there is no reason to refuse the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Tara Devi and Goni Devi be enlarged on 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, Sheohar in connection with Sheohar P.S. Case No. 180 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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