

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1105 of 2020

Arising Out of PS. Case No.-15 Year-2017 Thana- HAYAGHAT District- Darbhanga

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1. RAKESH KUMAR JHA @ RAKESH KUMAR Son of Mahendra Jha
Resident of Village - Kharsand, P.S.- Kalyanpur, District- Samastipur
 2. Mamta Devi Wife of Rakesh Kumar Jha @ Rakesh Kumar Resident of
Village - Kharsand, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-02-2020 Heard learned counsels for the parties.

The petitioners being parents of the husband of the victim have renewed their prayer for anticipatory bail in a case registered for the offences punishable under Sections 306/34 of the IPC.

It is submitted by learned counsel for the petitioner that earlier the petitioners preferred anticipatory bail application vide Cr. Misc. No. 45746 of 2017 but it was permitted to be withdrawn vide order dated 3.10.2017, as contained in Annexure 1 since the final form was submitted but subsequently, differing with the final form, cognizance has been taken under Section 306/34 of the IPC, hence the present application for grant of anticipatory bail.



The prosecution case is that the sister of the informant was studying in a coaching centre and she developed intimacy with co-accused Dilip Jha. Subsequently, they got married but thereafter, some differences arose and the sister of the informant committed suicide.

It is submitted by learned counsel for the petitioners that there is no specific accusation against the petitioners. On conclusion of investigation, the petitioners were not sent up for trial, as a result, earlier bail application was permitted to be withdrawn but subsequently, differing with the final form, cognizance has been taken under Section 306/34 of the IPC. Statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that differing with the final form, cognizance has been taken under Section 306/34 of the IPC by the learned Court below.

Considering the fact that there is no specific accusation against the petitioners, particularly, the fact that thrust of accusation is against co-accused Dilip Jha, the husband of the victim, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on



anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with Hayaghat P.S. Case No. 15 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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