

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47092 of 2014

Arising Out of PS.Case No. -101 Year- 2014 Thana -AMAUR District- PURNIA

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1. Sakera Khatoon @ Sabera Khatoon wife of Md. Mushtaque Alam
 2. Rubeda Khatoon wife of Md. Hashim Both of village Basol, P.S. Amour, District - Purnia
 3. Ajmeri Khatoon wife of Late Layak Ali of village Amour, P.S. Amour, District - Purnia
 4. Marjina Khatoon wife of Hasan village - Haripur (Rangraiya), P.S. Amour, District - Purnia
 5. Zaheda Khatoon wife of Nazamuddin of Village - Khapra Chauni, P.S. Baisi, District - Purnia

.... Petitioner/s

Versus

The State of Bihar


.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-302, 201 and 34 of the Indian Penal code and that the petitioner no. 2 is the neighbour, whereas petitioner no. 3 is cousin mother-in-law, while petitioner nos. 4 and 5 are married sisters-in-law, this Court keeping in view that the Father-in-law and the husband were already taken into custody in connection with the same case would find them entitled for grant of privilege



of anticipatory bail. The same thing however cannot be said about petitioner no. 1, the mother-in-law, keeping in view the background that the victim lady was initially tortured in the house by her husband as well as both the mother-in-law and father-in-law and later on was found to be dead in suspicious circumstance with several injuries on her person which in turn would give a fatal blow to the story of her drowning by way of suicide.

In that view of the matter while this Court would reject the prayer for anticipatory bail of petitioner no. 1, Sakera Khatoon it would direct that if the rest of the petitioners 2 to 5 **namely, Rubeda Khatoon, Ajmeri Khatoon, Marjina Khatoon and Zaheda Khatoon**, would surrender within a period of four weeks from today, they shall be released 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 **Judicial Magistrate, 1st Class, Purnia** in connection with **Amour P.S. Case No. 101 of 2014**, subject to the

conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioners 2 to 5 who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners 2 to 5.

(ii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iii) That the petitioners 2 to 5 will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given

dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioners 2 to 5 will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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