

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18962 of 2015

Arising Out of PS.Case No. -303 Year- 2014 Thana -NATHNAGAR District- BHAGALPUR

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Badamo Devi wife of Naresh Mahto resident of village - Dildarpur, p.s.
Nathnagar, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Veena Rani Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 366 and 379 of the Indian Penal Code and the fact that it is the petitioner who is said to have kidnapped the married girl aged about 18 years, who is still said to be traceless, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Learned counsel for the petitioner, however, submits that as per his information received after filing of the bail application, the victim girl has been recovered. If that be so, this Court would direct that if the petitioner, namely, Badamo Devi surrenders before the court below within a period of four weeks from today, keeping in view that she has got no criminal



antecedent, would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhagalpur in connection with Nath Nagar P.S. Case No. 303 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that she is accused in any other criminal case, she shall not be granted bail and would be taken into custody.
- (iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if she is, she shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the

proceeding for cancellation of bail on the ground of misuse.

(v) That the petitioner will be well represented on each and every date in course of trial and if she fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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