

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18855 of 2015

Arising Out of PS.Case No. -261 Year- 2013 Thana -CHAPRA TOWN District- SARAN

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1.Pratima Devi Wife of Chandan Ram
2.Manju Devi Wife of Wakil Ram, Both are Resident of Village /
Muhallag-Purvi Dahiyawan Near Pankaj Cinema, Police Station - Town
Thana, District - Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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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 against the petitioners for the offences punishable under Sections-341, 323, 324, 307, 504/34 of the Indian Penal Code and the fact that there is direct allegation of assault by axe (kulhadi) by petitioner no. 1, Pratima Devi, on the head of the informant Phoolmati Devi, which stands corroborated from her injury report, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 1, Pratima Devi specially when she being a lady had also attacked and assaulted another lady.

This Court, however, would be inclined to grant the privilege of anticipatory bail to petitioner no. 2,



Manju Devi, inasmuch as, this Court finds that she is said to have assaulted a person with brick and there is counter blast version in the injury sustained on the other side in scuffle which started between the children and others and keeping in view that the accused persons of the prosecution side in the counter case have also been granted bail after their surrender before the Court below, this Court would direct that if the **petitioner no. 2, Manju Devi** surrenders within a period of four weeks from today, she 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 **C.J.M. Saran at Chapra** in connection with **Chapra Town P.S. Case No. 261 of 2013 corresponding to G.R. No. 4400 of 2013**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) 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.

(ii) That both the bailors will be close relative of the petitioner who will give 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.

(iii) That the bailor 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.

(iv) That the petitioner will give an undertaking that she will receive the police papers on the given date and be present on the date fixed for charge and if she fails to do so on two given dates and delays the trial in any manner, her bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date 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.

Nothing said in this order, however, will come in the way of the petitioner no. 1, Pratima Devi in surrendering before the Court below and seeking regular bail.

(Mihir Kumar Jha, J)

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