

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23038 of 2015

Arising Out of PS.Case No. -62 Year- 2014 Thana -RAJNAGAR District- MADHUBANI

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Jiwachchi Devi @ Jibachhi Devi wife of Kapileshwar Ram, Resident of
Village - Karahia Dih, Police Station- Rajnagar, District-Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-08-2015

Heard learned counsel for the parties.

Having regard to the admitted position that the petitioner has been made accused for the first time in connection with an offence under Sections 341, 504, 353, 272/34 of the Indian Penal Code and Section 47 of the Excise Act, this Court would find him entitled for grant of anticipatory bail but by making it clear that if she is now again found in any way involved for offence under Section 47 of the Excise Act, she shall not be granted privilege of anticipatory bail.

That being so, if the petitioner, namely, Jiwachchi Devi @ Jibachhi Devi would surrender before the court below within a period of four weeks from today, she shall 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 Sri R.K. Rajak, Judicial Magistrate, 1st Class, Madhubani in connection with Rajnagar P.S. Case No. 62 of

2014 (G.R. No. 872 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 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.
- (iii) 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.
- (iv) 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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