

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36242 of 2014

Arising Out of PS.Case No. -160 Year- 2012 Thana -MUSRIGHARARI District- SAMASTIPUR

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Geeta Devi wife of Satan Rai resident of Village- Bathua Bujurg, P.S-
Musrigharari, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Anuradha Singh

For the Opposite Party/s : Mr. Narsing Tati, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 11-02-2015

Heard the parties.

The petitioner, who is a lady, apprehends her arrest in a criminal prosecution originally registered under Sections 302/34 of the Indian Penal Code.

It is submitted by the learned counsel that though the petitioner is also one of the named accused in the F.I.R. vide Annexure-1, but during the course of investigation` the independent witnesses have not supported the prosecution version, as a result of which the police submitted final report dated 29.12.2012 (Annexure-2) as a “mistake of fact”. It is contended that the learned Magistrate has disagreed with the police report and has taken cognizance against the accused persons including the petitioner. Hence, the present application for anticipatory bail.

Taking into consideration the aforesaid aspects, particularly submission of final report (Annexure-2), the prayer for anticipatory bail is allowed. In the event of her arrest or surrender in the court below within a period of four weeks from today, the above named petitioner shall be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to

the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Musrigharari P.S. Case No. 160 of 2012, subject to the condition as laid down under Section 438(2) of the Cr. P. C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, then the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C) the petitioner shall make regular pairvi in the court below in the present case either by appearing herself in person or through representation by her lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel her bail bonds.

(Birendra Prasad Verma, J)

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