

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38427 of 2014

Arising Out of PS.Case No. -427 Year- 2012 Thana -BAHADURPUR District- DARBHANGA

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Leela Devi, Wife of Ram Briksh Paswan, resident of Mohalla - Allalpatti,
P.S. - Laheriasarai, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-03-2015

Heard.

The petitioner apprehends her arrest in a criminal prosecution registered under Sections 364, 458 and some other minor or bailable offences under the Indian Penal Code as also under Sections 25(1-B)(a)/26/35 of the Arms Act.

It is submitted that the genesis of the entire occurrence is the love affair between one Madhu Kumari, the daughter of the informant and one Ajay Paswan, son of the petitioner. It is pointed out that the statement of aforesaid Madhu Kumari, the alleged victim, was recorded under Section 164 Cr.P.C. before the learned Magistrate in connection with a connected criminal case between the parties, from perusal of which entire prosecution allegation appears to be false and concocted one. In her statement under Section 164 Cr.P.C. vide Annexure-2, her age has been assessed to be 19 years and she has admitted to have married with the son of the petitioner. It is further pointed out that the present criminal case as also other criminal cases are the outcome of the rivalries between the two families on account of the relationship between

the son of the petitioner and the daughter of the informant.

Be that as it may, taking into consideration the fact that the petitioner is a lady and she was not apprehended on the spot and further taking into consideration the fact that no specific role has been assigned against her in the FIR vide Annexure-1, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, her 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, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga in connection with Bahadurpur P.S. Case No. 427 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 bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (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 date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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