

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47141 of 2014

Arising Out of PS.Case No. -247 Year- 2014 Thana -PIRO District- BHOJPUR

Kanchan Kumari wife of Sri Mithilesh Prasad Resident of village - Badi,
P.S. Katri Sarai, District - Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.8660 of 2015

Arising Out of PS.Case No. -247 Year- 2014 Thana -PIRO District- BHOJPUR

Sushila Devi @ Sushila Kumari W/o - Sri Bhagwat Prasad Presently
Residign at- House of Sidh Nath Paswan, Dusadhi Badhar, P.S. - Piro,
District- Bhojpur, Permanent Resident of Village & Post - Parasdih, P.S. -
Nagarnausa, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47141 of 2014)

For the Petitioner/s : Mr. Jitendra Nath Tiwary

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

(In Cr.Misc. No.8660 of 2015)

For the Petitioner/s : Mr. Ambuj Nayan Chaubey

For the Opposite Party/s : Mr. Surendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Section 304/34 of the Indian Penal Code and that both the petitioners are nurse in the Primary Health Centre where there is no facility of any advance care or treatment and that they have also



got no criminal antecedent, would direct that if the petitioners, namely, Kanchan Kumari and Sushila Devi alias Sushila Kumari surrender before the court below within a period of four weeks from today, they will be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara/Additional Chief Judicial Magistrate, Bhojpur, Ara in connection with Piro P.S. Case No. 247 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 the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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 petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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