

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51131 of 2014

Arising Out of PS.Case No. -28 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

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1. Chandrakala Devi, Wife of Mahendra Mahto,
2. Mahendra Mahto, Son of Late Tengar Mahto, both resident of village-
Gangauni Purari Tola, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Adv

For the Opposite Party/s : Mr. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-05-2015 Heard learned counsel for the parties.

Learned counsel for the petitioners submits that during the pendency of this writ application, petitioner no. 2, Mahendra Mahto, has already been arrested and as such the prayer for anticipatory bail of petitioner no. 2 has become infructuous.

That being so, the prayer for anticipatory bail of the petitioner no. 2 is hereby rejected.

Having regard to the nature of allegation against the petitioner no.1, Chandrakala Devi for the offences punishable under Sections-376, 313, 315/34 of the



Indian Penal Code and the fact that whatever allegations in the First Information Report as with regard to major offence of rape is concerned it relates to only Chandan Kumar, son of petitioner no. 1, Chandrakala Devi, this Court keeping in view that she has also got no criminal antecedent would find her entitled for privilege of anticipatory bail.

That being so, if the **petitioner no. 1, Chandrakala 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 **A.C.J.M. Samastipur** in connection with **Women P.S. Case No. 28 of 2014**, 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.

(Mihir Kumar Jha, J)

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