

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1163 of 2015

Arising Out of PS.Case No. -82 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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1. Binod Kumar Mahto son of Ram Bahadur Mahto
2. Babita Kumari @ Babita Devi Wife of Binod Kumar Mahto, Both are
Resident of Village- Pandh, P.S.- Dalsingsarai, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Om Prakash Om, Advocate

For the Opposite Party/s : Mr. Indra Kr.Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 16-01-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in Dalsingsarai P.S. case No.82 of 2013 registered under Sections 363 and 366A/34 of the Indian Penal Code, pending before the court of A.C.J.M., Dalsingsarai.

Considering the nature of allegations against the Petitioner No.1, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.1.

His Prayer for anticipatory bail is rejected with a direction to surrender before the court below and make a prayer for regular bail.

However, considering that the Petitioner No.2 is a lady, without going into the veracity of the allegations and her fair



antecedents, let the petitioner No.2 above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt of this order in connection with Dalsingsarai P.S. case No.82 of 2013 on furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., Dalsingsarai, Dist. Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as also conditions (i) That one of the bailor will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will undertake to furnish information to the Court about any change in 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 bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on 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 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 date if she fails to do so on two consecutive dates, her bail will be liable to be cancelled.

(Anjana Prakash, J)

Narendra/-

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