

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47066 of 2014

Arising Out of PS.Case No. -195 Year- 2012 Thana -NAWADA District- NAWADA

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1. Saudagar Saw son of Late Ramdhani Saw
 2. Sunil Saw son of Saudagar Saw
 3. Ashok Saw son of Saudagar Saw
 4. Rina Devi D/o Saudagar Saw
 5. Karku Choudhary son of Usha Devi All residents of village - Kharidi Bigha (Gondapur), P.S. Nawada, District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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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 against the petitioners for the offences punishable under Sections-147, 148, 149, 341, 323, 363 and 364 and other allied offences of the Indian Penal Code, this Court keeping in view that the victim Krishna Kumar is still traceless, is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 1, 2 , 3 and 5 and therefore, their prayer for anticipatory bail is hereby rejected with an observation that if they would surrender their prayer for regular bail shall be considered on its

own merit without being prejudiced by anything said in this order.

The case of petitioner no. 4, Rina Kumari however, stands on a different footing inasmuch as she is said to be the wife of Krishna Kumar and she also had filed a complaint case in which she had alleged that her husband had been made to run away from his house by his other family members.

Thus, keeping in view that the petitioner no. 4, namely Rina Kumari has also got no criminal antecedent this court, would direct that if she 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 **C.J.M. Nawada** in connection with **Nawada Town P.S. Case No. 195 of 2012**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

- (i) That both the bailors will be close



relative of the petitioner no. 4 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 no. 4.

(ii) 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.

(iii) That the petitioner no. 4 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.

(iv) 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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