

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2756 of 2015

Arising Out of PS.Case No. -55 Year- 2013 Thana -TANDWA District- AURANGABAD

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1. Pramod Baitha Son of Late Mukhdev Baitha
 2. Rajendra Baitha Son of Sri Pramod Baitha
 3. Ravi Baitha @ Ravi Kumar Son of Sri Pramod Baitha
 4. Sushila Devi Wife of Pramod Baitha
 5. Soni Devi Wife of Sunny Baitha
 6. Sarita Kumari daughter of Pramod Baitha All resident of Village -
Sikariya Ratan, Police Station - Tandwa, District - Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 21-05-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-147, 148, 341, 323, 307, 504 and 379 of the Indian Penal Code, this Court in view of the specific allegation of over act against petitioner no. 1, Pramod Baitha and petitioner no. 2, Rajendra Baitha, who have already been arrested rendering their prayer for anticipatory bail infructuous would be inclined to grant privilege of anticipatory bail only to the ladies of the



family, namely, petitioner no. 4, Sushila Devi, petitioner no. 5, Soni Devi and petitioner no. 6, Sarita Kumari but the same privilege cannot be given to petitioner no. 3, Ravi Baitha @ Ravi Kumar, son of petitioner no. 1, Pramod Baitha on account of his also playing active role in the occurrence along with petitioner no. 1 and 2. Thus, prayer for anticipatory bail of petitioner no. 3, Ravi Baitha @ Ravi Kumar is regular

That being so, if the petitioners namely, **Sushila Devi, Soni Devi and Sarita Kumari**, surrender within a period of four weeks from today, they would 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 **Judicial Magistrate, 1st Class, Aurangabad** in connection with **Tandwa P.S. Case No. 55 of 2013**, 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 nos. 4, 5 and 6 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 close relative of the petitioner nos. 4, 5 and 6 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 bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 4, 5 and 6 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 their bail on the ground of misuse.

(iv) That the petitioner nos. 4, 5 and 6 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 petitioner nos. 4, 5 and 6 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.

It is also made clear that if the petitioner no. 3, Ravi Baitha @ Ravi Kumar would surrender and make a prayer for regular bail, the same shall be considered on its own merit without being prejudiced in any manner by anything said against him in the order.

(Mihir Kumar Jha, J)

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