

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12789 of 2015

Arising Out of PS.Case No. -106 Year- 2013 Thana -NAUHATTA District- SAHARSA

=====

Jainab Khatoon Wife of Iid Mohammad, Resident of Village-Dibra (Kharka Talwa), P.S.-Nauhatta, District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sunil Kr. Panday, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 409 of the Indian Penal Code.

It is submitted that the petitioner is a PDS dealer and the criminal prosecution was launched for offence under Section 409 of the Indian Penal Code, but on close of investigation, charge sheet has been submitted only under Section 7 of the E.C. Act. It is further submitted that the licence of the petitioner for PDS shop has already been cancelled and the petitioner, being a lady, is in judicial custody since 27.12.2014.

Taking into consideration the aforesaid aspect, the prayer for bail is allowed. The petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Saharsa in connection with Nauhatta P.S. Case No. 106 of 2013 (G.R. 1973/2013), subject to the conditions that:

- (A) One of the bailors must be a government servant or close family member of the petitioner, who

- (B)
- will file an affidavit in the court below showing his/her relationship with the petitioner, if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/ prosecution shall be at liberty to file a petition for cancellation of the bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned and
- (C)
- the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

BTiwary/-

U		T	
---	--	---	--