

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18089 of 2015

Arising Out of PS.Case No. -858 Year- 2014 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

1. Pushpa Devi wife of Devendra Singh resident of Mohalla Badhaiyabag,
Takia, P.S Sasaram (M), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Sada Nand Ray

For the Opposite Party/s : Ms. Indu Kumari Srivastava (App)

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

2 17-06-2015 Petitioner has produced an order passed in Bail Petition No.71/2015, which is dated 31.1.2015. This is an order by virtue of which bail has been granted to the husband of the petitioner by the learned Incharge Sessions Judge, Rohtas, namely, Sri R P Asthana. A copy of the said order has been produced and has been perused.

Learned Incharge Sessions Judge has categorically recorded that the present case is a false case which has been filed.

It is a strange kind of order which has been passed because in a bail petition the Incharge Sessions Judge has held the case to be a false case and virtually exonerated the accused person/persons without even the trial of the case or even investigation, which has implication of many kinds.

This Court has had no occasion to see an order of this kind in matter of grant of bail to an accused.

If this is the position then the Court has serious reservation whether

the said order can form the basis for grant of bail to the present petitioner. This matter will be considered appropriately against the said Incharge Sessions Judge on the administrative side, which is a separate issue.

The Court has gone through the FIR as well as Annexure-2, which is an agreement annexed by the petitioner herself, which indicates that there was transaction and payment of money between the informant and the parties. There is allegation and assertion that even this petitioner had issued various cheques for refund of the loan amount transacted between the parties amounting to 33 lacs. Those cheques have bounced.

If that be so, prima facie case has been established against the petitioner and this Court is not inclined to grant anticipatory bail to the petitioner.

This application is dismissed. Let the petitioner surrender before the court below and pray for regular bail.

A copy of the order passed by the Incharge Sessions Judge is not only placed on record but will be forwarded to the Hon`ble Inspecting Judge for appropriate follow up action, if needed, by the Registrar General immediately. Office will do the needful.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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