

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38908 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -SURSAND District- SITAMARHI

1. Usha Devi W/o Suresh Rai Resident of Village Sursand North, P.S. Sursand, District Sitamarhi.

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-09-2015 Heard learned counsel for the petitioner Mr. Mahendra Thakur and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sursand P.S.Case No. 163 of 2014 registered for offences punishable under Sections 376, 313, 315/34 of the Indian Penal Code.

The prosecution case as stated by one Archana Kumari in her fardbeyan before the police on 06.07.2014 alleging that one Md. Azhar has established physical relationship with her on assurance of marriage and when she became pregnant, Md. Azhar declined for marriage and ultimately with the help of the nurse of Shanti Nursing Home, aborted her pregnancy. Thereafter, when

condition of Archana Kumari deteriorated, then Md. Azhar has admitted her in Ram Kali Hospital and fled away.

It has been submitted by the learned counsel for the petitioner that she is nurse in Shanti Nursing Home where the victim Archana Kumari was admitted.

It has further been submitted that said Md. Azhar and Archana Kumari has compromised and the dispute between the two has been settled and both of them have now performed the marriage, regarding which , an affidavit has been filed on behalf of the informant in the Court of Judicial Magistrate, 1st class, Sitamarhi on 06.11.2014. The accused Md. Azhar has already been granted the privilege of anticipatory bail in Cr. Misc. No. 47589 of 2014 dated 07.05.2015 by a Co-ordinate Bench of this Court.

It has further been submitted that the petitioner is not involved in conspiracy with the other accused.

Under such circumstances, since both informant and other co-accused have agreed for compromise, let the above named petitioner, Usha Devi, be released on bail, in the event of arrest or surrender within a period four weeks from today before the Court below, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned Judicial Magistrate, 1st class, Sitamarhi in connection with Sursand P.S.Case No. 163/2014, subject to the condition as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

Sudha/-

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