

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23092 of 2015

Arising Out of PS.Case No. -749 Year- 2014 Thana -ARARIA District- ARRARIA

Smt. Pramila Ray, Daughter of Late Saryug Ray, Resident of Islampur,
P.S.-Araria, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Sinha

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

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 21-08-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 272, 273, 420, 304, 120B/34 of the Indian Penal Code and Sections 65(17), 65(18), 17(1) of the Drugs and Cosmetics Act, 1940, this Court primary by taking into account that the petitioner is a lady and that she has got no criminal antecedent and even if the offence alleged against the petitioner is taken on its face value, the two other persons, namely, Upendra Kumar Ambast and Dipu Kumar would share larger responsibility and they have already been granted regular bail, would grant privilege of anticipatory bail to the petitioner by making it clear that if now she is made accused in any such similar offence, her being lady will be of no consideration for grant of privilege of

anticipatory bail.

With the aforementioned rider, if the petitioner, namely, Smt. Pramila Ray would surrender before the court below within a period of four weeks from today, she will 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 749 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that she is accused in any other criminal case, she shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be a close relative of the petitioner, who will undertake 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.
- (iii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if she is, she shall not be released on bail.

(iv) That the bailors 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.

(v) That the petitioner will be well represented on each and every date in course 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)

Rishi/-

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