

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25362 of 2014

Arising Out of PS.Case No. -28 Year- 2013 Thana -BABUBARHI District- MADHUBANI

1. Santoshi Devi wife of Indra Kumar Mahto Resident of Village - Bhupatti,
P.S.- Babu Barhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Aditya Nr. Singh 1 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

6 15-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends her arrest in connection with
Babubarhi P.S. Case No. 28 of 2013 registered for the offences
punishable under Sections 406, 409 and 420/34 of the Indian
Penal Code.

At the very outset, it is submitted that in this co-
accused Dr. Umesh Mishra the then Incharge Medical Officer of
Primary Health Centre, Babibarhi and Bhagwan Goswami the
then Clerk have already been allowed pre-arrest bail vide Cr.
Misc. Nos. 44587 and 47955 of 2013 and the petitioner being the
Asha Worker having no role deserves sympathetic consideration.
It is also submitted that the FIR is based on letter dated 11.4.2013

written by Incharge Medical Officer, Primary Health Centre, Babubarhi addressed to the Officer Incharge of the Police Station which does not contain any material fact to constitute the offence under Section 409 of the Indian Penal Code.

In the facts and circumstances stated above, the petitioner above named, in case of her surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani in connection with Babubarhi P.S. Case No. 28 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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