

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51066 of 2014

Arising Out of PS.Case No. -153 Year- 2012 Thana -MAGADH UNIVERSITY District- GAYA

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1. Sibia @ Azmeri Khatoon Wife of Ashghar Ali Khan Resident of Village
- Mora Mardana, P.S. Magadh University District Gaya.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramchandra Sahni

For the Opposite Party : Mr. H.A. Khan (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 06-07-2015

Heard both sides.

The petitioner apprehends her arrest in connection with Magadh University P.S. case no. 153 of 2012, registered under Sections 447,341,323, 324, 325,326,307, 427 and 440/34 of the IPC.

In relation to an occurrence dated 21.10.2012, the FIR was lodged on 09.11.2012 alleged that the petitioner and her sons were forcibly excavated soil from the field of the informant which was objected whereafter at the orders of the petitioner Sheru Khan is said to have inflicted 'gadasa' blow on the son of the informant. Another co- accused Sona Khan is said to have fired causing none.

Contention of the petitioner is that there is delay of 18 days. Earlier to this Sheru Khan has lodged a case on 21.10.2012 (Annexure-2) against the present prosecution party.

The place of occurrence is the same. The petitioner, according to the FIR, is only the order giver.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of her arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Magadh University P.S. case no. 153 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure her arrest in accordance with law.

(Kishore Kumar Mandal, J)

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