

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13906 of 2016

Arising Out of PS.Case No. -19 Year- 2014 Thana -SARAI RANJAN District- SAMASTIPUR

1. Sudamia Devi, Wife of Late Butan Mahto, Resident of Village-Basudeopur Chandail, P.S. Mahnar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Md. Arif(App)

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Sarairanjan P.S. Case No. 19 of 2014 registered under sections 364 and 120-B/34 of the Indian Penal Code.

It is contended that after 19 months of the alleged occurrence a complaint was filed under Sections 190 and 200 of the Code of Criminal Procedure (for short 'CrPC') before the court of Chief Judicial Magistrate, Samastipur, which was referred to the police under Section 156(3) of the CrPC, pursuant to which the FIR was registered under Sections 364 and 120-B/34 of the Indian Penal Code. It is further contended that reference of the complaint under Section 156(3) of the CrPC is in contravention to

the judgment of the Supreme Court passed in the matter of Mrs. Priyanka Shrivastava Vs. State of UP [2015(3) Supreme 152]. It is further contended that the petitioner is an old and handicapped lady, who cannot think of taking part in such an incident.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner Sudamia Devi is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Samastipur in connection with Sarairanjan P.S. Case No. 19 of 2014, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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