

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24602 of 2016

Arising Out of Complaint Case No. -387 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shanti Devi wife of Shri Bacchu Rajak, Resident of Village- Sahari, P.S. Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anita Devi W/o Talo Rajak, R/o Vill. Sahari P.S. Barh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 14-06-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner has been made accused in complaint case bearing Complaint Case No. 387 of 2013 in which prima facie case has been found for the offences punishable under Sections 420, 467, 468 of the Indian Penal Code and the learned court below having found prima facie case under the above stated sections ordered to issue summons against the petitioner and others.

The other accused approached learned Sessions Judge, Patna for grant of anticipatory bail and they were granted privilege of anticipatory bail by different orders of learned



Sessions Judge, Patna. Moreover, petitioner also approached learned Sessions Judge, Patna for grant of privilege of anticipatory bail but her anticipatory bail petition was transferred to the court of Additional Sessions Judge-XI, Patna who rejected the anticipatory bail petition of the petitioner passing order dated 26.04.2016 in A.B.P. No. 1038 of 2016.

Learned counsel for the petitioner submits that petitioner is an old lady aged about sixty years and no specific overt-act has been attributed against her. It is further submitted that as a matter of fact, the present complaint case has been filed on account of land dispute for which a title suit is pending between the parties.

No doubt, the summons against the petitioner has been issued in a complaint case and her anticipatory bail petition in the light of finding given by a Bench of this court does not appear to be maintainable but learned counsel for the petitioner points out that summons had been issued in the year 2013 and now, the warrant of arrest has been issued against the petitioner without getting any service report of summons.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of her arrest/

surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 Sri Asutosh Kumar, Judicial Magistrate 1st Class, Barh, Patna in Complaint Case No. 387 C of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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