

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31074 of 2016

Arising out of P.S. Case No. - 263 Year - 2011 Thana - BIDUPUR District – VAISHALI (HAJIPUR)

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1. Manakiya Devi, Wife of Ram Balak Rai, Resident of Village - Kathauliya, P.S. - Bidupur, District - Vaishali at Hajipur (Bihar)
 2. Lakh Patiya Devi, Wife of Hazari Pal, Resident of Village - Mustafapur, P.S. - Bidupur, District - Vaishali at Hajipur (Bihar)
 3. Jageshwar Paswan, Son of Jangilal Paswan, Resident of Village - Maniyapur, P.S. - Bidupur, District - Vaishali at Hajipur (Bihar)

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Kumar, Advocate

For the Opposite Party : Mr. Sri Indra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-08-2016

Heard both sides.

After making submission, at some length, learned counsel for the petitioner seeks permission of the Court to withdraw the application so far as petitioner no. 3, namely, Jageshwar Paswan is concerned. Prayer is allowed.

Rest two petitioners are female members one of them stated to be 80 years of age.

They apprehend their arrest in connection with Bidupur Police Station Case No. 263 of 2011 registered under Sections 461 and 379 of the Indian Penal Code.

A theft was committed in the mobile shop of the



informant. The First Information Report was lodged against unknown. It is stated that the petitioners, in course of investigation, had presented themselves before the Investigating Officer and given the benefit of Section 41A of the Code of Criminal Procedure. Subsequently, they did not know about the filing of charge-sheet and in the circumstances non-bailable warrant was issued. Petitioners being old ladies are not expected to be the part of the commission of theft. They are rustic villagers.

Looking to the fact that they are aged lady, I am persuaded to extend them to the privilege of anticipatory bail. Let both the petitioner nos. 1 and 2, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur Police Station Case No. 263 of 2011, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

- (i) One of the bailors shall be the own/close family member of the petitioner nos. 1 and 2.



(ii) As soon as the charges are framed the petitioners 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 bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J.)

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