

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2057 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -KHAIRA District- SARAN

- =====
1. Birendra Rai, son of late Ramesh Rai,
 2. Moti Jhari Devi @ Mati Jhari Devi, wife of Birendra Rai, both are resident of village - Kadipur, P.S. Khiara (Nagara O.P.), District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Iftekhhar Mahmood, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2/ 18-01-2016

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Khaira P.S. Case No.141 of 2015 instituted under Section(s) 323, 324, 326, 504/34 Indian Penal Code.

Considering the nature of allegation against the Petitioner No.1, Birendra Rai, I am not inclined to extend the privilege of anticipatory bail to him.

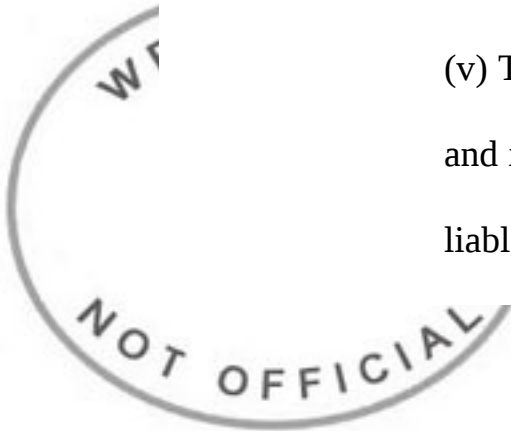
Prayer of the Petitioner No.1 for anticipatory bail is **rejected.**

However, considering that the Petitioner No.2, Moti Jhari Devi @ Mati Jhari Devi, is a lady, without going into veracity of allegation, it is ordered that in the event of



surrender/arrest of the Petitioner No.2, named above, within four weeks from the date of receipt/production of a copy of this order in connection with Khaira P.S. Case No.141 of 2015, she shall be released on anticipatory bail on furnishing bail bond of ₹5,000/- (five thousand) with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the Judicial Magistrate, 1st class, Saran at Chapra, subject to the conditions as laid down under section 438(2) Cr. P. C. and (i) That one of the bailors will be a close relative of the Petitioner No.2, who will give an affidavit giving genealogy as to how he is related with the Petitioner No.2. The bailors will undertake to furnish information to the court about any change in the address of the Petitioner No.2, (ii) That the affidavit shall clearly state that the Petitioner No.2 is not an accused in any other case and, if she is, she shall not be released on bail, (iii) That the bailors shall also state on affidavit that they will inform the court concerned if the Petitioner No.2 is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iv) That the Petitioner No.2 will give an undertaking that she will receive the police papers on the given date and be present on date fixed for charge and if she fails

to do so on two given dates and delays the trial in any manner,
her bail will be liable to be cancelled for reasons of misuse, and
(v) That the Petitioner No.2 will be well represented on each date
and if she fails to do so on two consecutive dates, her bail will be
liable to be cancelled.



JA/-

(Anjana Prakash, J)

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