

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11862 of 2016

Arising Out of PS.Case No. -180 Year- 2015 Thana -KALYANPUR District- SAMASTIPUR

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Shila Devi, Wife of Raj Kumar Rai, Resident of Village-Chhakan Toli, PS
Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Bhanu Roy
Mr. Sunil Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016

Heard.

The petitioner, who is a lady, apprehends her arrest in a criminal prosecution registered under Sections 366-A and 363/34 of the Indian Penal Code.

Though the petitioner, besides others, is named in the FIR vide Annexure-1 as an accused, but taking into consideration the fact that the alleged victim has been recovered and in her statement recorded under Section 164 Cr.P.C. vide Annexure-3 she has not alleged any criminal misbehaviour with her by the male accused persons and also taking into consideration the fact that after examination of the victim girl medical board has opined that she is aged between 18 to 19 years, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, her prayer for grant of anticipatory bail is allowed.

In the event of her arrest or surrender in the court below within a period of four weeks from today, let the above

named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Kalyanpur P.S. Case No. 180 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing herself in person or through representation by her lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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