

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38437 of 2016

Arising Out of PS.Case No. -101 Year- 2016 Thana -MADHUBAN District- EASTCHAMPARAN
(MOTIHARI)

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Priyanka Kushwaha, Wife of Birbal Kushwaha @Birbal Prasad Kushwaha , Resident of Village Lohargawa, P.S Madhuban, Distt. East Champaran at present residing at Colony B-28 Madanpur Khedar Extn PS Jaithpur, New Delhi-76

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Arun Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 272, 273, 290 of the Indian Penal Code and Sections 41, 51, 52 of the Bihar Excise Amendment Act, 2016 registered in connection with Madhuban P.S. Case No. 101 of 2016.

3. It is submitted that the petitioner has been falsely implicated and has no concern with the offending articles found in the cabin of the truck in question. The petitioner is a lady residing in Delhi and is the owner of the truck which is used for transporting gas cylinders in terms of the agreement between her husband and Baba Garib Nath Transport Company, Muzaffarpur. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of

communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M. IV, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 101 of 2016., subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner will be well represented on each and every date and if she fails to do so on two consecutive dates without sufficient reason, her bail bond will be liable to be cancelled by the Court concerned.

(Vikash Jain, J)

Chandran/BT

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