

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47770 of 2016

Arising Out of PS.Case No. -91 Year- 2014 Thana -BASNAHI District- SAHARSA

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1. Sukhiya Devi wife of Dipan Pal,
2. Dipan Pal son of Late Bhumi Pal, Both residents of Village- Gareri Tola,
P.O.- Sahsaal, P.S.- Basnahi, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Opposite Party/s : Mr. Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 22-11-2016 Heard the Counsel for the petitioners and the APP for the

State.

After making submissions at some length, the Counsel for
the petitioners seeks permission of the Court to withdraw the
application insofar as petitioner no. 2 (Dipan Pal) is concerned.

The application is dismissed as withdrawn in so far as
petitioner no. 2 is concerned.

Petitioner no. 1 is the wife of petitioner no. 2. The allegation
is that petitioner no. 2 obtained diverse amounts from the
complainant on the plea that the land will be sold. A deed of
mortgage is said to have been also executed but the land was not
sold. It is submitted that the allegation is specifically against the
husband. The husband later settled the issues and paid the dues of
the complainant-informant. Petitioner being the female member

deserves anticipatory bail, particularly, when there is no allegation that the amount tendered was received by her.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner no. 1, namely, Sukhiya Devi is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Basnahi P.S. Case No. 91 of 2014 (G.R. No. 2743 of 2014) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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