

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45237 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -RAMPUR District- GAYA

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1. Dulari Devi @ Durari Devi, Wife of Late Lakhan Ram Resident of Village-Bangali Bigha, Police Station-Chandauti, District-gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shila Devi, Wife of Late Vivekanand Mishra, R/Muhalla and P.S.- Rampur, District-Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-10-2017 This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing part of the order dated 04.08.2017 passed by the learned Additional District & Sessions Judge-I, Gaya in B.P. No. 1640 of 2017/ 165 of 2017 arising out of Rampur P.S.Case No. 131 of 2017 whereby bail has been granted to the petitioner with a condition to deposit Rs. 1,00,000/- in cash in Nazarat, civil court, Gaya.

The aforesaid Rampur P.S.Case No. 131 of 2017 was registered for the offences under Sections 406, 419, 420 and 379 of the Indian Penal Code. On completion of investigation, the Investigating Officer submitted charge-sheet under the aforesaid



Sections of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the petitioner is a poor widow having three children. She was working as a maid in Gaya College, Gaya on daily wages. She was arrested in connection with the said case on 09.05.2017 and was granted regular bail by the court below vide order dated 04.08.2017, but she could not be released, as she does not have capability to deposit Rs.1,00,000/- in Nazarat as directed by the court vide order dated 04.08.2017.

I have heard learned counsel for the petitioner and learned counsel for the State.

The condition imposed by the court below for grant of bail is onerous one. The petitioner, a widow, is languishing in jail for more than two months after the order of grant of bail, as she is unable to fulfill the conditions imposed by the learned Additional District & Sessions Judge-I, Gaya while granting bail. It is settled position in law that for grant of bail onerous condition cannot be imposed.

In that view of the matter, I set aside the part of the order dated 04.08.2017 passed by the learned Additional District & Sessions Judge-I, Gaya in B.P. No. 1640 of 2017/ 165 of 2017 arising out of Rampur P.S.Case No. 131 of 2017 whereby the



petitioner has been directed to deposit Rs.1,00,000/- in cash in Nazarat. She is directed to be released in Rampur P.S.Case No. 131 of 2017 on furnishing bail bond of Rs.5,000/- with two sureties of the like amount to the satisfaction of the court concerned in which the case is pending.

The application stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

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