

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29879 of 2017

Arising Out of PS.Case No. -5 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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1. Chanda Devi, w/o Sanjay Singh, resident of village - Harchhya, P.S. -
Baheri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Neha Kumari, w/o late Rajnish Kumar, D/o Jitnesh Singh at present
residing in village - Salempur, P.S. - Rajepur, Distt - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 11-07-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends her arrest in Complaint
Case No.C-5/2015 instituted for the offence under Section(s) 406,
323, 504 Indian Penal Code.

Prayer of the petitioner for anticipatory bail has
been rejected in the light of the decision reported in **PLJR 2015**
(3) 806 (Salim Ansari @ Md. Salim Vs. The State of Bihar).

It has been submitted that summons have been
issued against the petitioner, who is a lady. She apprehends arrest
if she surrenders in the Court as her husband, Sanjay Singh,
whose bail application was also disposed off by the same
impugned order, has been taken into custody when he



surrendered.

As per allegation in the written report, the petitioner told the husband of the informant to pluck the mangoes from the tree and he fell down and later on died in PMCH during course of treatment. Thereafter, accused persons tortured her and then she went to her *Naihar* on 09.07.2015 and filed this case.

From the written report itself, it appears that there is no allegation of any specific overt act against the petitioner, who is a lady.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Tr. No.1689 of 2015 arising out of Complaint Case No.C-5/2015, she shall 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 the Judicial Magistrate, 1st class, Motihari, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two



consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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