IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22988 of 2017

Arising Out of PS.Case No. -75 Year- 2012 Thana -MITHANPURA District- MUZAFFARPUR

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1. Moni Kumari Wife of Umesh Chaudhari R/o Village- Yasoda Math, P.S. Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anish Kumar
For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-07-2017 Heard learned counsel for the petitioner and learned Addl. Public Prosecutor for the State.

The petitioner apprehends her arrest in Mithanpura P.S. Case No. 75 of 2012 instituted for the offence under Sections-304, 120,(B), 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that as per written report, the operation of the wife of the informant was performed by Dr. Radheshyam. The treatment of wife of the petitioner was going on in the clinic of co-accused Pramila Kumari. The wife of the informant was referred to Dr. Radheshyam for operation by co-accused Pramila Kumari. Pramila Kumari has been granted anticipatory bail by a coordinate bench of this court by order dated 26-02-2013 passed in Cr. Misc. No. 48702 of 2012.

This petitioner is said to be the helper of the doctor as nurse.

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From the written report, it appears that operation was performed by Dr. Radheshyam. The petitioner is alleged to have helped as nurse in the operation.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above in the event of her arrest/surrender in the court below within six weeks from today shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Mithanpura P.S. Case No. 75 of 2012 corresponding to Sessions Trial No. 739 of 2012 to the satisfaction of learned Additional District & Sessions Judge-VI, Muzaffarpur subject to conditions as laid down u/S 438(2) of the 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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