

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51838 of 2016

Arising Out of PS.Case No. -705 Year- 2008 Thana -GAYA COMPLAINT CASE District- GAYA

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Bina Devi, Wife of Late Krishna Nand Dhokari, Resident of Mohalla – Chand Choura, Vishnupad Road, Krishana Dwarika, P.S. – Civil Lines, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ruby Devi, W/o Sri Madava Nand Dhokari @ Bachcha Jee, Resident of Mohalla – Chand Choura, Vishnupad Road, Krishana Dwarika, P.S. – Civil Lines, District – Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Opposite Party/s : Mr. Dr. Indivar Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 10-01-2018

The petitioner has renewed the prayer for anticipatory bail in a complaint case, wherein processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 498A and 120B of the Indian Penal Code.

The basic accusation is of torture.

Earlier the petitioner moved this Court vide Cr. Misc. No. 45094 of 2016 which was disposed of vide order dated 19.10.2016 with liberty to the petitioner to surrender and when the learned Court below was requested to consider the prayer for bail of the petitioner, if the petitioner surrenders within a period of six



weeks.

It appears from the order dated 19.10.2016 passed in Cr. Misc. No. 45094 of 2016 that earlier anticipatory bail application was not entertained on the ground that the complaint petition was filed in 2008 and the petitioner preferred anticipatory bail petition vide ABP No. 2637/2016 before the learned Sessions Judge, which was disposed of on 06.09.2016 with a direction to surrender, but thereafter anticipatory bail application was preferred before this Court on 17.10.2016.

It is submitted by learned counsel for the petitioner that the petitioner is suffering from Paralysis of both lower limbs, due to spinal problem. Hence, prayer for anticipatory bail has been made.

One of the medical certificates is dated 09.11.2016 and the other medical prescriptions are dated 05.04.2016, 24.07.2015, 26.06.2015 and 11.01.2016, but it appears that the said ground was not taken earlier. Hence, this Court is not inclined to revise the earlier order, but keeping in view the nature of the accusation and the fact that the petitioner is a lady, coupled with the nature of her illness, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned Court below



within a period of six weeks from today in connection with Complaint Case No. 705 of 2008, pending in the Court of learned Judicial Magistrate, Ist Class, Gaya. It is expected from the learned Court below to dispose of the bail application of the petitioner preferably on the same day.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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