

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40760 of 2018

Arising Out of PS.Case No. -3958 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Vidya Kumari @ Vidya Shakti, D/o Sri Vishwanath Prasad, Resident of
Mohalla- Kanti Market, Naya Tola, Makhaniya Kuan, P.S.- Pirbahore,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vibha Kumari, Daughter of Sri Vishwanath Prasad, resident of
Mohalla- Kanti Market, Naya Tola, P.S.- Pirbahore Town, and District-
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, Advocate.

For the Opposite Party/s : Sri Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-07-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Complaint**
Case No. 3958 (C) of 2016 instituted for the offence under
Sections 323 and 406 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner and informant are own sisters. This case has been filed
because of property dispute between them. It has further been
submitted that Partition Suit has also been filed by the
complainant vide Partition Suit No. 135 of 2016 in which
petitioner is defendant No. 3. The complainant filed a petition
under Order 40 Rule 1 CPC for appointment of receiver in that



Partition Suit and receiver was appointed by order dated 02.08.2017. The petitioner has challenged the aforesaid order in this Court vide Misc. Appeal No. 763 of 2017 and same has been allowed on 4.5.2018.

In this manner, civil dispute is already pending between the parties. In the instant case there is general and omnibus allegation against the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 3958 (C) of 2016**, 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 **learned Additional Chief Judicial Magistrate-Xth, Patna**, 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 her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond 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.

S.Ali/-
Rohit Kr.

(Sanjay Priya, J)

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