

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5492 of 2018

Arising Out of PS.Case No. -298 Year- 2017 Thana -SAHARSA District- SAHARSA

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Aarti Singh, Daughter of Sri Davendra Singh @ Sri Davendra Prasad Singh
@ Davendra Narayan Singh, Resident of Kailash Puri, Polytechnic, Ward
No. 14, Post and Police Station and District- Saharsa.

.... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection
with Saharsa Sadar P.S. Case No. 298 of 2017 registered under
Sections 363 and 365 read with 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that only non-bailable offence under which the first
information report has been instituted is Section 365 of the
Indian Penal Code. The petitioner has been implicated in the
present case with aid of Section 34 of the Indian Penal Code.
Even from perusal of the first information report, it would be



evident that it was the brother of the petitioner with whom the wife of the informant eloped. As a matter of fact, the name of the petitioner has been given in the FIR only because she being an unmarried lady was giving tuition to the sons of the informant. He submitted that the petitioner has got no criminal antecedent and having got roots in the society, she is not likely to abscond or tamper with the evidence.

On the other hand, learned counsel for the informant submitted that it is stated in the FIR itself that the petitioner was seen talking together with her brother by one Vikash Kumar Jha on the date of occurrence.

In reply, learned counsel for the petitioner submitted that merely because the sister talked with her brother, the same would not attract the ingredients of any offence.

I have heard learned counsel for the parties and perused the FIR.

Regard being had to the nature of the allegation and submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 298 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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