

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.399 of 2019**

Arising Out of PS. Case No.-6 Year-2011 Thana- DARAUNDA District- Siwan

Prabhawati Devi @ Prabhavati Kuwar, aged about 67 years, Gender, Female,
Wife of Late Vishun Singh, Resident of Village - Raini, P.S.- Daraundha,
District- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/ss

Appearance :

For the Petitioner/s	:	Mr.Prashant Kumar
For the Respondent/s	:	Mr.Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT**

Date : 04-04-2019

Heard parties.

This criminal revision application has been filed for setting aside the order dated 21.05.2018 passed by the learned Additional District Judge-II, Siwan in Sessions Trial No.596/2011 arising out of Daraunda P.S. Case No.06/2011 instituted under Sections 307, 323, 341/34 of the Indian Penal Code by which petitioner was declared absconder and permanent warrant of arrest was issued against her.

Prosecution case is based upon fardebyan of Madhuri Devi giving rise to Daraunda P.S. Case No.06/2011 instituted under Sections 307, 323, 341 read with 34 of the I.P.C. Petitioner was granted bail and her husband was doing pairvi in the court below but during pendency of the case, unfortunately,



husband as well as conducting lawyer died and in absence of proper pairvi, bail bond of petitioner was cancelled and non-bailable warrant was ordered to be issued on 15.07.2016.

It has been submitted that after issuance of non-bailable warrant, no service report with respect to execution of aforesaid non-bailable warrant was ever produced by the police and on 07.02.2017, order for issuance of process under Sections 82 and 83 of Cr.P.C. was issued. It has further been submitted on behalf of the petitioner that her sons were also co-accused and have been acquitted from the charges and after death of husband of petitioner who is 67 years old and is suffering from various ailments was residing with her sons in Kanpur.

In the facts and circumstances of the case, the order dated 15.07.2016 passed by the court below cancelling the bail bond of the petitioner as well as subsequent order dated 21.5.2018 declaring her absconder and issuance of permanent warrant of arrest against her is set aside.

Petitioner is directed to appear in the court below and shall be released on her furnishing fresh bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Daraunda P.S. Case No. 06/2011, with



following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the 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. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2019
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