

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80513 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA P.S. District-
Samastipur

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Usha Devi Wife of Lakshmi Das, Resident of Village - Ahmadpur, P.S.
Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends her arrest for the offences alleged
under Sections 315, 323, 341, 376, 379, 504 and 511 IPC registered in
connection with Mahila P.S. Case No. 33 of 2018.

3. It is submitted that the petitioner has been falsely implicated and
in any event the ingredients of Section 376 IPC are not made out
against the petitioner who is a lady. The FIR has been instituted in
retaliation to an earlier complaint filed by the petitioner on 30.06.2018
(Annexure-2). The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender
before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of learned
ACJM II, Samastipur in connection with Mahila P.S. Case No. 33 of 2018,
subject to the conditions as laid down under Section 438 (2) Cr.P.C. and
also subject to the following further conditions:



- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- (iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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