

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76168 of 2018**

Arising Out of PS. Case No.-59 Year-2018 Thana- BODHGAYA District- Gaya

Sibia Devi wife of Vinod Yadav, resident of Village- Kanhaul, Tola Gewal
Bigha, Police Station- Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the Opposite Party : Mr.. J.K. Singh, APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

4 29-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest for the offences
alleged under Sections 302 and 34 of the Indian Penal Code
registered in connection with Bodhgaya P.S. Case No. 59 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusation against him is highly improbable in
nature. It is pointed out that even though the occurrence is said to
have taken place at 5.00 A.M. in the morning, the deceased was first
taken to the hospital after four hours at 9.15 A.M. and in course of
treatment, she died at 12.30 P.M. Her statement has not been
recorded and the accusation has been made only by the informant,
nephew of the deceased. There is land dispute between the parties.
The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition.
From paragraph 31 of the case diary it transpires that the petitioner's
land is situated behind the house of the deceased and the petitioner
has been implicated with a view to grab her land.

5. Be that as it may, 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 Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No. 59 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 be well represented in court on each and every date during trial except as and when directed by learned court to be physically present, 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.

(iv) That the petitioner shall cooperate 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.

BT/-

(Vikash Jain, J)

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