

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73299 of 2018

Arising Out of PS. Case No.-219 Year-2018 Thana- TAJPUR District- Samastipur

1. Girish Kumar Singh, Son of Rameshwar Prasad Singh, Resident of Village-
Dharampur Dakhili, P.S.-Tajpur, District – Samastipur.
2. Prema Devi, Wife of Girish Kumar Singh, Resident of Village - Dharampur
Dakhili, P.S.-Tajpur, District – Samastipur.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Rajeev Ranjan, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 06-02-2019 At the very outset, learned counsel for the petitioner states that petitioner no. 1, namely, Girish Kumar Singh, has been arrested during the pendency of this petition and the anticipatory bail petition, as against him, has become infructuous. Hence, he seeks permission to withdraw the same.

2. As prayed, the anticipatory bail petition, as against petitioner no. 1, namely, Girish Kumar Singh, is permitted to be withdrawn and dismissed as such.

3. Heard learned counsel for petitioner no. 2 and learned APP for the State.

4. Petitioner no. 2, Prema Devi, apprehends her arrest for the offences alleged under Sections 307, 323, 34, 341, 379 and 504 of the Indian Penal Code registered in connection with Tajpur (O.P. Halai) P.S. Case No. 219 of 2018.

5. It is submitted that the petitioner no. 2 has been falsely implicated by the informant, who is the wife of petitioner no. 1, merely because he has also solemnized marriage with petitioner no. 2. There is delay of 15 days in instituting the first information report



on 04.07.2018 for the alleged occurrence of 21.06.2018. It is submitted that the informant did not produce the medical examination report. Other co-accused, namely, Vikram Kumar Singh and Abhishek Kumar Singh have been granted anticipatory bail by learned court below itself.

6. Learned APP refers to paragraph 44 of the case diary wherein the informant has stated that she had not got herself treated anywhere. At the same time, however, an injury report dated 22.01.2019 has also been found in the case diary, according to which the informant had been examined as far back as 03.03.2018 for fracture of right femur.

7. Be that as it may, considering the fracture of the informant having occurred as far back as on 03.03.2018 much prior to the alleged date of occurrence, in the event of the arrest or surrender of petitioner no. 2 before the court below within six weeks from the date of communication of this order, let her 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 Additional Chief Judicial Magistrate 1st, Samastipur in connection with Tajpur (O.P. Halai) P.S. Case No. 219 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 no. 2.

(ii) That the petitioner no. 2 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no. 2 will be represented 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.

(iv) That the petitioner no. 2 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/Chandran

(Vikash Jain, J)

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