

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8610 of 2020

Arising Out of PS. Case No.-424 Year-2014 Thana- TAJPUR District- Samastipur

DIVYA UPADHAYAI Wife of Dipak Upadhaiyai Resident of Village - Kasbe
Tajpur, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends her arrest in connection with Tajpur
P.S. case no. 424 of 2014 instituted for the offence under
Section(s) 341, 323,379, 354,504,420,467,468 and 120B of the
Indian Penal Code.

The prosecution case is that the petitioner's husband has
executed a land deed in favour of the informant after receiving
money in respect thereof. Subsequently, the prosecution case is
that the accused persons abused and assaulted the informant and
her husband since a gift deed had earlier been executed in
favour of the petitioner (wife). The allegation is that the accused
persons were intimidating the informant from asserting her
rights on the basis of the sale-deed executed by the petitioner's



husband.

It is submitted by the petitioner that she being a female has falsely been implicated in the instant case. Even as per the averments made in the complaint, it is obvious that prior to obtaining of the sale-deed by the informant a gift deed had been issued in favour of the petitioner. It is for this reason that she has been falsely implicated in the instant case. The prosecution case does not attribute any specific assault to the petitioner. The petitioner has no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, within four (04) weeks from today, she shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **ACJM 1st Samastipur**, in connection with Tajpur P.S. case no. 424 of 2014,, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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