

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20701 of 2020

Arising Out of PS. Case No.-759 Year-2019 Thana- KOTWALI District- Patna

-
-
1. HARENDRA KUMAR GUPTA @ HARENDRA GUPTA S/o Late Bihari Sah Resident of Village- Harigaon, P.S.- Jagdishpur, Distt- Bhojpur
 2. Sipati Devi W/o Late Bihari Sah Resident of Village- Harigaon, P.S.- Jagdishpur, Distt- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Registrar General, Hon'ble High Court, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh
For the State	:	Mr.Yogendra Kumar
For Patna High Court	:	Mr. Satyabir Bharti

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

4 22-01-2021 Heard learned counsel appearing for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing for Patna High Court.

Petitioners apprehend their arrest in connection with Kotwali P.S. Case No. 759/2019 registered for the offences punishable under Sections 417, 418, 419, 420, 467, 468, 471, 472, 192, 196, 197, 199, 200, 120B of the Indian Penal Code.

It is alleged that petitioner No. 1, namely Harendra Kumar Gupta @ Harendra Gupta, filed Cr. Misc. No. 77922 of 2018 for grant of anticipatory bail but again suppressing the pendency of aforesaid Cr. Misc. No. 77922 of 2018, he filed



another petition bearing Cr. Misc. No. 79467/2018 in which petitioner No. 2, namely, Sipati Devi, is said to have sworn affidavit in Cr. Misc. No. 79467 of 2018.

Learned counsel appearing for petitioners submits that petitioner No. 2, namely, Sipati Devi is an old lady aged about 72 years and she was not aware about filing of previous Cr. Misc. No. 77922 of 2018 and being mother of petitioner No. 1, she filed affidavit in Cr. Misc. No. 79467 of 2018 and, as a matter of fact, under misconception, the second Cr. Misc. No. 79467 of 2018 was filed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for anticipatory bail of petitioner No. 2, namely, Sipati Devi is allowed and it is ordered that petitioner No. 2, namely, Sipati Devi, in the event of her arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in Kotwali P.S. Case No. 759/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for anticipatory bail of petitioner No.



1, namely, Harendra Kumar Gupta @ Harendra Gupta, is concerned, the same stands rejected. However, petitioner No. 1, namely, Harendra Kumar Gupta @ Harendra Gupta is directed to surrender before the court below within six weeks from today and if he does so and prays for regular bail, the concerned court shall consider the regular bail application of petitioner No. 2 on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

Spd/-

U		T	
---	--	---	--

