

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26136 of 2020**

Arising Out of PS. Case No.-99 Year-2017 Thana- SIMRI District- Darbhanga

MANJU DEVI Wife of Bijee Mahto Resident of Village - Madhopur, P.S.-
Simri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Gajendra Kr Singh, Manish Kr No 2, Advs
For the Opposite Party/s : Ms Gulnar Begum, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **19-01-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in connection with
Simri Police Station (for brevity, *PS*) Case No 99 of 2017
instituted for the offence punishable under Sections 341, 342,
323, 354, 448, 449, 436, 427, 307, 379, 504, 506/34 of Indian
Penal Code (for brevity, *IPC*), later on added with Section 302
of *IPC*.

The prosecution case, as per the First Information
Report, is that due to pre-existing land dispute between the
parties, the co-accused entered the house of the informant, taken
away Rs 2 lacs and also set ablaze mother of the informant, who
died during course of treatment.



Petitioner's counsel submits that petitioner is not one of those who has been named by the informant. Subsequently, her name has been dragged though she happens to be the female member of the family and has no involvement in the alleged occurrence even as per the prosecution version narrated by the informant. The petitioner has no criminal antecedent and there is also a counter version to the allegations wherein prosecution parties of the instant case are accused persons and facing trial.

The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that in the investigation, the victim has stated the name of various persons including that of the petitioner.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, she shall be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Darbhanga in Simri PS Case No 99 of 2017 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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