

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 28139 of 2020**

Arising Out of PS Case No.-104 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Rita Devi, aged about 40 years (Female), Wife of Upendra Singh, Resident of Village-Began, P.S.-Akorhigola, District-Rohtas, Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Sasaram (M) PS Case No. 104 of 2020 dated 09.04.2020, instituted under Sections 379/411 of the Indian Penal Code.

4. The allegation against the petitioner is that she was the owner of the tractor from which sand was seized which was presumed to be stolen after the driver had fled away.



5. Learned counsel for the petitioner submitted that she is only the owner and was not driving the tractor and further, she has papers of valid purchase of the sand and nothing illegal was on the tractor. It was further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that the sand was stolen which is an offence and the petitioner being the owner of the tractor, cannot plead innocence, as she is a lady.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram (M) PS Case No. 104 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that she shall not indulge in any illegal/criminal activity, act in violation of any



law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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