

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13701 of 2021

Arising Out of PS. Case No.-767 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Smt. ANDRILA MAJUMDAR W/o Sri Bapi Majumdar R/o Byasali Para
Road, Rajpur Sonapur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. ARUN KUMAR MISHRA S/O Sri Narain Mishra R/O- Flat No. 402,
Manoram Enclave, Road No. 01, Kailash Path Shoepuri, P.S. Shastri Nagar,
Distt. and Town - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kuldeep Sahay, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

7 26-04-2022 Heard Mr. Kuldeep Sahay, learned Advocate for the

petitioner and the State.

Notwithstanding the fact that wife of opposite party no.
2 has received notice on his behalf, but till date there is no
appearance on his behalf.

Several adjournments have been granted in this case,
awaiting the appearance of opposite party no. 2.

Per force, this Court is left with no option but to
proceed in this matter in the absence of opposite party no. 2.

The petitioner seeks bail in anticipation of her arrest in
connection with Complaint Case No. 767C of 2017 in which
cognizance has been taken under Section 406 of the Indian Penal



Code.

For the opposite party no. 2 not having responded to the notice, notwithstanding the same having been served upon him through his wife, the petitioner is entitled for the confirmation of the provisional bail granted to her *vide* order dated 03.01.2022.

However, because of the reasons which were beyond the control of the petitioner, she could not surrender before the court below to take advantage of the aforesaid order of provisional bail.

Accepting the aforesaid explanation, the petitioner is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 767C of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

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