

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49619 of 2021**

Arising Out of PS. Case No.-192 Year-2019 Thana- SIWAN RAIL P.S. District- Saran

ANITA DEVI @ NITA DEVI @ PANDITAIN W/o Triloki Dubey R/o
village- Barka Telpa, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Adv.
For the Opposite Party/s : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 24-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 363 and 365 of the Indian Penal
Code.

The sister of the informant is said to have been
traceless.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case only on the basis of suspicion. He
further submits that there is no direct allegation against the
petitioner. He further submits that it appears from the F.I.R.
itself that mother of the victim and the victim both are



mentally weak. He further submits that during course of investigation, the police has not found any evidence against the petitioner and the victim in her statement recorded under Section 164 Cr.P.C. has stated that the petitioner has taken proper care of the victim and she has denied about any overt act committed to her by the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Siwan Rail P.S. Case No. 192 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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