

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8971 of 2023

Arising Out of PS. Case No.-217 Year-2018 Thana- CHANPATIA District- West Champaran

1. OM BABU RAM Son of Ram Belash Ram
2. BABITA DEVI Wife of Om Babu Ram both Resident of Village- Kharg Pokhariya Mishrauli, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi Wife of Om Babu Ram, D/O Banshi Ram Resident of Village- Bankat Puraina, P.S.- Chanpatia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Chanpatia P.S. Case No. 217 of 2018 instituted under Section 498(A)/34 of the Indian Penal Code read with Section 3/4 D.P. Act lodged on 01.06.2018 by the informant Shobha Devi.

As per the prosecution story, the informant's parents on the occasion of marriage of his daughter gave ornaments, furniture and cash as per his capacity. Further, after sometime, female child was born where after the in-laws demanded golden chain and cash of Rs.1 lac. Due to non-fulfillment of the said demand, they stopped her food and finally after snatching her



‘Stridhan’, the inlaws ousted her from the house. Accordingly, the FIR.

Learned APP on the other hand opposes the prayer for anticipatory bail.

In view of the allegation that has come against the petitioner no.1, namely, Om Babu Ram, this Court is not inclined to extend him privilege of anticipatory bail.

So far as petitioner no.2, namely, Babita Devi is concerned she being lady, this Court is inclined to extend her privilege of anticipatory bail.

Let the petitioner no.2 namely Babita Devi be released on anticipatory bail, in the event of her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Chanpatia P.S. Case No. 217 of 2018 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the who shall provide official document to show his/her bona



fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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