

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5912 of 2024

Arising Out of PS. Case No.-344 Year-2016 Thana- CIVIL LINE District- Gaya

Mano Devi @ Manorma @ Manorma Devi Wife Of Sudama Sao Resident Of
Mohalla - Shahmir Takiya, Durga Asthan, P.S. - Rampur, District - Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Civil Lines P.S. Case No. 344 of 2016 for the offence registered under Sections 420, 406, 354, 504, 506/34 of the Indian Penal Code lodged on 15.12.2016 by the informant Madhu Shankar.

3. As per the prosecution story, the informant alleged that her husband and son of petitioner were running business in partnership. As informant's husband was ill, he wanted to dissolve the partnership. After settlement, cheque of Rs. 15, 08, 000/- were issued, but the same was bounced. Later, unregistered agreement deed was executed and the amount was reduced to Rs. 13,00,000/- but only Rs. 4,00,000/- was paid.



Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that she being the mother of Gyanchand, had no role to play in the matter. Earlier, she was extended the privilege of anticipatory bail on 02.08.2017 by the learned Sessions Judge, Gaya, but being old, she was never informed by her son, and as such, bail bond was not executed.

5. Learned APP for the State opposes the prayer for anticipatory bail submitting that there has been inordinate delay in approaching the Court.

6. Though there has been inordinate delay, the fact remains that she is an old lady, earlier the relief was granted to her, due to technicality, she could not surrender and in that background, she deserves bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 344 of 2016 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) 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 his bail bond by the Trial court itself;

(iii) 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;

(iv) 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)

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