

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51025 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Noor Nesha Wife of Serajul Ansari Resident of village Pipra Gadahiya,
Pokhara, P.S. Darpa, D/o Tahir Mian, Resident of Village/Mohalla-
Lakshmipur, P.S. Raxaul, Distt- East Champaran.,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
05.05.2016 in connection with Raxaul P.S. Case No. 75 of 2016
registered for the offence punishable under Sections 489(A),
489(B), 489(C) and 489(D)/34 of the Indian Penal Code.

The prosecution case is that raid was conducted in the
house of the petitioner and after search of her house at 5:30 A.M.
accused persons, including petitioner were apprehended while
sleeping on the bed in the room and after search of the said bed in
presence of the witnesses, Rs. 50,000/- of fake currency notes
were found. Mobiles were also found from each of the three

accused persons and there after seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that she is innocent and has not committed any offence. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner and that she was pregnant and during custody period, she gave birth to a female child on 19.11.2016. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that other co-accused persons have been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 45171 of 2016 on 18.10.2016 and by this Court in Cr. Misc. No. 50166 of 2016 on 23.11.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, District East Champaran in connection with Raxaul P.S. Case No. 75 of 2016.

Since petitioner is involved in a similar nature of cases, this direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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