

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3475 of 2019

Arising Out of P.S. Case No.-806 Year-2018 Thana- MADHEPURA District- Madhepura

1. Makina Khatoon @ Mako wife of Md. Jubair Resident of Village- Bhirkhi, Ward No. 24, P.S. Madhepura, District- Madhepura.
2. Najma Khatoon daughter of late Md. Natho, W/o Md. Rahish @ Md. Natho Resident of village- Bhirkhi, Ward No. 24, P.S. Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since 07.10.2018 in connection with Madhepura P.S.Case No.806 of 2018 for the offence alleged under Section 414 of the Indian Penal Code.

The prosecution case as lodged by the police personnel is that on account of rampant jewelry theft by ladies, the police had appointed some informer who informed that some ladies are in the market near the jewelry shop to commit robbery. The police reached the place and apprehended four ladies including the petitioners. From search, huge quantity of



ornaments which looked like gold were recovered from their possession. On their confession, the house of other co-accused were searched and huge quantity of ornaments, like, gold were also recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. The police has not ascertained whether the ornaments were gold ornaments and there is no compliance of Section 100 of the Cr.P.C. as the incident occurred in a market place and only the police officials are witnesses to the said seizure list. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. The petitioners are ladies and languishing in custody since more than three months. Petitioner no.1 has small child who is also in custody.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners does not have a clean antecedent and one more case is pending against both the petitioners.

Considering the facts and circumstances and the nature of allegations and the period of custody, let the



petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Madhepura P.S.Case No.806 of 2018 to the satisfaction learned Chief Judicial Magistrate, Madhepura, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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