

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30963 of 2019

Arising Out of PS. Case No.-1203 Year-2017 Thana- SAHARSA District- Saharsa

Babita Devi @ Juhi Kumari W/o Binay Kumar Mishra @ Binay Mishra , D/o
Late Ramesh Kant Mishra Resident of Village - Rampur, P.S.- Nath Nagar,
Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 406, 420, 467, 468 of the Indian Penal Code.

The prosecution case in brief is that the petitioner having
tampered with the electronic record, got issued forged identity
card and residential certificate. It is also alleged that on the basis
of those forged documents, she used to snatch money from
innocent persons by giving threatening to implicate them in
false case.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 15-02-2019.



Charge sheet has already been submitted. Two separate affidavits have been filed on behalf of the parties. Let the same be kept on record.

Following statement has been made in paragraph-2 of the affidavit filed on behalf of the petitioner:-

“2. That it is humbly submitted that the petitioner would file withdrawal application in cases pending between the parties and would not prosecute the same provided the informant and his family members would also withdraw the case against the petitioner”.

Likewise, following statements have been made in paragraphs-2, 3, 4 & 5 of the affidavit filed on behalf of the informant:-

2. That Juhi Kumari @ Babita Devi, w/o Binay Mishra resident of village-Rampur, P.S. Nath Nagar, District-Bhagalpur has 3 sons from her husband Binay Mishra aforesaid-

(I) Saurabh Mishra

(ii) Sanni Mishra

(iii) Roshan Mishra



3. That present petitioner has filed/lodged following cases against the informant and his family members:-

(i) Saharsa Mahila P.S. Case No. 68 of 2017 U/S 498A & other Sections of the Indian Penal Code against the son of the informant and others. (Final form has been submitted).

(ii) Misc. Case No. 111 of 2017 for maintenance against the son of the informant.

(iii) Saharsa Sadar P.S. Case No. 353 of 2018 U/S 376/511 of the Indian Penal Code against Brajesh Kumar who happens to be the son of the informant (Final form has been submitted).

(iv) Complaint Case No. 623 of 2018 before the C.J.M. Saharsa against informant Bittu Kumar and five others U/Ss 457, 376, 420, 120B I.P.C.

(v) Complaint Case No. 874 of 2018 against Bishundeo Sah & 8 others under Sections 323, 341, 379, 380, 352, 354(B), 504 I.P.C.

(vi) Saharsa Sadar P.S. Case No. 1037 of 2017 against Gajendra Sah, U/S 379, 354 I.P.C.



4. That present informant has lodged Saharsa Sadar P.S. Case No. 1203 of 2017 U/S 420, 467, 468, 506 I.P.C. and Bittu Kumar who happens to his son of the informant has filed Complaint Case No. 971 of 2017 before the C.J.M. Saharsa against Juhi Kumari @ Babita Devi.

5. That on the undertaking of the petitioner that she will withdraw all the cases lodged/filed by her as aforesaid against the present informant and his family members the present informant and his son have also got ready to withdraw the cases filed/lodged by him and his son against the present petitioner as aforesaid in paragraph 4 of this affidavit and she will not claim as wife of the son of the informant namely Bittu Kumar. Both the parties will withdraw their cases above-mentioned”.

On behalf of the parties, it has been submitted that the matter has already been resolved between the parties.

Considering the aforesaid facts and circumstances, the petitioner named above is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, Saharsa in connection with Saharsa
Sadar P.S. Case No. 1203 of 2017.

(Sudhir Singh, J)

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