

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46590 of 2019**

Arising Out of PS. Case No.-668 Year-2018 Thana- GOPALGANJ TOWN District-  
Gopalganj

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Neelu Devi, Wife of Sanjay Kumar Upadhyay @ Raju Upadhyay Resident of  
near Sareya Kaliasthan, Sareya, P.S.- Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate  
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      29-07-2019                      Heard learned counsel for the petitioner and learned  
APP representing the State.

The petitioner apprehends her arrest in connection  
with Gopalganj (Town) P.S. Case No. 668 of 2018, registered  
under Sections 414/379/120-B of the Indian Penal Code.

The allegation against the petitioner, as per the FIR, is  
that on 04.11.2018 around 01:00 PM, the informant, after  
parking his motorcycle at the gate of Mahendra Mahila College,  
had gone inside the college for collecting registration documents  
and when he returned back, he did not find his motorcycle at  
gate. After obtaining the CCTV footage, it transpired that one  
person i.e. Banti Upadhaya was involved in the crime. It has  
further been alleged that the informant went to the house of



Banti Upadhaya, where his mother Neelu Devi told the informant that he would get his motorcycle by 06.11.2018, but mother i.e. petitioner helped her son to escape with motorcycle.

Learned counsel for the petitioner submits that the petitioner is mother of Banti Upadhyaya, who was found with the motorcycle as per CCTV footage and she has falsely been implicated in the present case with oblique motive. He further submits that there is delay of about 4 days in lodging the FIR, implicating the mother of the co-accused, who has no role to play.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner's involvement is not evident in the commission of the offence and further the co-accused Banti Upadhaya has been granted regular bail from this Court, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Gopalganj  
in connection with Gopalganj (Town) P.S. Case No. 668 of  
2018; subject to condition as laid down hereinabove and under  
Section 438(2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J)**

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