

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21002 of 2021

Arising Out of PS. Case No.-455 Year-2020 Thana- BHAGWAN BAZAR District- Saran

1. AFSANA KHATOON D/o Md. Hanif R/o village- Jalalpur Methwalia, P.S.- Revilganj, District- Saran (Chapra)
2. Rabiya Khatoon W/o Md. Hanif R/o village- Jalalpur Methwalia, P.S.- Revilganj, District- Saran (Chapra)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Harish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Binod Kumar, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Bhagwan Bazar P.S. Case No. 455 of 2020 for the offences registered under Section 380 and 411 of the Indian Penal Code. They are in custody since 13.10.2020.

Learned counsel for the petitioners submits that as per the prosecution story the petitioners were maid-servants in the house of the informant and they were engaged by him to look after his ailing daughter. It is alleged that in absence of the informant they

committed theft of ornaments of his wife from the house.

Learned counsel for the petitioners submits that these petitioners are maid servants who were looking after the ailing daughter Naushaba of the informant. It is alleged that the petitioner No. 1 has made confessional statement and on the basis of her statement a golden chain and a pair of golden tops were recovered from the house of petitioner No.1 but the submission is that those recovered items were never produced for identification and these are petty items which are normally available with a lady. The petitioners are in custody for about ten months in connection with this case, they have otherwise no criminal antecedent.

Learned APP for the State and the informant have though opposed the prayer for bail of the petitioners but Considering the facts and circumstances of the case and the period of custody of petitioners, this Court directs release of the petitioners above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Chapra, District-Saran in connection with Bhagwan Bazar P.S. Case No. 455 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar

to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.