

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23225 of 2021

Arising Out of PS. Case No.-168 Year-2019 Thana- ANDHRAMATH District- Madhubani

NITU DEVI @ NEETU DEVI Wife of Phuldeo Yadav Resident of Village -
Kouriyahi, P.S.- Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 01-12-2021 Let the defect(s), as pointed out by the Office, be

removed within four weeks of start of normal functioning of the

physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Andhramath P.S. Case No.168 of 2019/G.R. No. 1823 of 2019

registered for the offence under Sections 363 and 365/34 of the

IPC.

As per prosecution case, the informant and his

brother had gone to the house of the accused persons, thereafter,

when the informant tried to contact from mobile phone, was

found switched off. It is further alleged that petitioner and other

co-accused persons have abducted the brother of the informant

and killed him.

Learned counsel for the petitioner submits that the

petitioner has clean antecedent and he has falsely been

implicated in the present case. He further submits that as per



FIR, date of occurrence mentioned in FIR is on 05.10.2019 but the present FIR has been lodged on 02.11.2019 after 28 days of the occurrence and no explanation has been given in delay of lodging the present FIR. He further submits that vide order dated 03.11.2021 charge has been framed against the petitioner. He further submits that similarly situated co-accused, namely, Kala Devi @ Smt. Kala Devi and Om Prakash Yadav @ Om Yadav have already been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 27885 of 2020 vide order dated 15.12.2020. Petitioner is in custody since 08.02.2020.

However, learned APP for the State on the basis of the case diary vehemently opposed the prayer for regular bail.

Considering the period of custody of the petitioner, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri S. Kumar, Judicial Magistrate-Ist Class, Jhanjharpur/successor court in the District of Madhubani in connection with Andhramath P.S. Case no. 168 of 2019/G.R. No. 1823 of 2019 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

brajesh kumar/-

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(Rajesh Kumar Verma, J)

