

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37758 of 2020

Arising Out of PS. Case No.-667 Year-2019 Thana- AMARPUR District- Banka

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1. Bibi Sairun, aged about 56 years, Female Wife of Late Ameen.
 2. Bibi Jamunee @ Bibi Jumanee, aged about 40 years, Female Wife of Arshad Both resident of Village- Dhimera, PS Amarpur, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Advocate
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Brij Nandan Prasad, learned counsel for the petitioners and Mr. Dashrath Mehta, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioners submitted that he may be permitted to withdraw the petition on behalf of petitioner no. 1, namely, Bibi Sairun, as she has been arrested.

4. In view thereof, as prayed for by learned counsel for the petitioners, the petition on behalf of petitioner no. 1, namely Bibi Sairun, stands disposed off as withdrawn and is restricted to petitioner no. 2, namely, Bibi Jamunee @ Bibi Jumanee.

5. The petitioner no. 2 apprehends arrest in connection with Amarpur PS Case No. 667 of 2019 dated 20.12.2019,



instituted under Sections 341, 323, 307, 354B, 379, 504 and 506/34 of the Indian Penal Code.

6. The allegation against the petitioner no. 2 and others is of assault and specifically against the petitioner no. 2 is of snatching gold ear ring of the informant weighting about 8 *bhar*.

7. Learned counsel for the petitioners submitted that the case is false and concocted and the issue is of a very trivial nature i.e., dispute between the children of the two sides. Learned counsel submitted that even on merits, the only allegation against the petitioner no. 2 is that she snatched the gold ear ring weighing 8 *bhar* from the informant, which clearly is a cosmetic addition as entire family members have been made accused and to make out a case, individual acts have been assigned to such persons. It was submitted that besides being a lady, the petitioner no. 2 has no criminal antecedent.

8. Learned APP submitted that assault has taken place and the petitioner no. 2 was very much present and part of the group which had committed such crime.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 2 namely, Bibi Jamunee @



Bibi Jumanee, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Amarpur PS Case No. 667 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner no. 2 and (ii) that the petitioner no. 2 shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of her bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 2.

11. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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