

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9320 of 2021**

Arising Out of PS. Case No.-55 Year-2018 Thana- DUMARIYA District- Gaya

Neelam @ Nagina @ Nagiya @ Soni @ Soni Kumari D/O Jaglal Singh
Bhogta@Juglal Singh Bhakta Resident Of Village-Pichhuliya Langurahi, Ps-
Madanpur, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. S. Ehteshamuddin

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 09-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Dumariya P.S.
Case No. 55 of 2018 registered for the offence punishable under
Sections 147, 148, 149, 307, 353, 504, 506 and 120 (B) of the Indian
Penal Code, Sections 25(1-b), 26, 27 and 35 of Arms Act, Sections 3,
4 and 5 of Explosive Substance Act and under Sections 16, 18 and 20
of U.A.P. Act.

Allegation against the petitioner is that petitioner is the active
member of Naxalies/Maowadi movement who is engaged in
unlawful activity and on raid several incriminating articles were



recovered from the petitioner and other co-accused persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case only on suspicion and has not committed any offence as alleged in the FIR. Charge sheet has been submitted in the present case. He submits that petitioner is not named in the F.I.R. and her name has transpired in this case in course of investigation. He further submits that there is no specific allegation against the petitioner and petitioner has not concern with the Naxalied or Maowadi movement. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is a lady and has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 18.04.2020.

Learned APP for the State opposing the bail petition submits that the petitioner's name came in the present case during the course of investigation and she is active member of Naxalies/Maowadi movement who is also engaged in unlawful activity and collection of levy with other accused persons.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Dumariya P.S. Case No. 55 of 2018 subject to the following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

GAURAV S./-

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