

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29918 of 2021**

Arising Out of PS. Case No.-69 Year-2020 Thana- MADHWAPUR District- Madhubani

1. RINA DEVI W/o Ram Pravesh Chaubey Resident of Village - Babhani Patti, P.S.- Madhwapur, Distt.- Madhubani.
2. Awinash Kumar @ Awinash Kumar Chaubey Son of Ram Pravesh Chaubey Resident of Village - Babhani Patti, P.S.- Madhwapur, Distt.- Madhubani.
3. Vikash Kumar @ Vikash Kumar Chaubey Son of Ram Pravesh Chaubey Resident of Village - Babhani Patti, P.S.- Madhwapur, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Adv. Mrs. Divya Bharti, Adv.
For the Opposite Party/s	:	Mr. A.P.P.
For the informant	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Vinod Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, learned counsel for the petitioners submits that petitioner No. 2 and 3 have been taken into custody, therefore, he seeks permission to withdraw this application with regard to petitioner No.2 and 3 only as the same has become now infructuous. Accordingly, this application stands dismissed as infructuous in respect of petitioner Nos. 2 and 3 only.

The petitioner apprehends his arrest in a case registered for the offence under Sections 323, 341, 354(B), 379, 506/34 of the Indian Penal Code and Section 3/4 of the Prevention of Witch Practices Act.



The petitioners are said to have assaulted the informant by fist, fats and iron rod and tried to outrage the modesty of the informant.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to her and she has been made accused in this case for fact that she happens to be mother of the co-accused persons. He, however, further submits that the petitioner is stated to be 63 years of her age and suffering from various ailments. Hence, the petitioner, who is a lady, may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State along with the learned counsel for the informant has opposed the prayer for bail of the petitioner but he fairly submits that no allegation of assault is attributed to her in the F.I.R.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of her arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Madhwapur P.S. Case No. 69 of 2020, subject to



the conditions as laid down under Section 438(2) of the Cr.P.C.
and also the following conditions:-

(1) Petitioner shall co-operate in the investigation 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 canceled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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