

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29080 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- PARBATTa District- Khagaria

-
1. Babita Devi W/O Manoj Mandal R/O Village- Bharatkhand, P.S.-Parbatta, District-Khagaria.
 2. Dilwar Kumar @ Dilbar Kumar S/O Manoj Mandal R/O Village- Bharatkhand, P.S.-Parbatta, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

After some arguments, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of petitioner no. 2.

Permission is accorded. The anticipatory bail petition as against petitioner no. 2 namely, Dilwar Kumar @ Dilbar Kumar is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.

The petitioner no. 1 is apprehending her arrest in a



case registered for the offences punishable under Sections 341, 323, 354, 379, 307, 324, 448 of the Indian Penal Code.

As per prosecution case, in short, is that on 05.09.2020 in the evening at about 7 O'clock informant was sitting on her *machan* and neighbour Dilbar Kumar came near her with mobile phone and told that phone call of daughter-in-law has come and told her to come in the house for attending phone call. Informant went inside the house and Dilbar Kumar also went inside the house and closed the door and abused her and caught her and thrashed her on the ground and sat on her breast and put his hand in the mouth of informant and started assaulting by iron rod, *musri* on *kanpatti* with intent to kill and she became senseless and in the meantime accused took earring and nakbesar and silver chain from the person of informant and fled away and closed the door from outside. When informant went to complain then Babita Devi abused her and assaulted the informant. It is alleged that mother and son have committed occurrence under conspiracy to kill her.

Learned counsel for the petitioner no. 1 submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioner has abused and assault the



informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and there is nothing specific allegation against the petitioner. The petitioner is a lady and the informant is next door neighbour to the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner no. 1, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Parbatta P.S. Case No. 355 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 1 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court



below.

(2) If the petitioner no. 1 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 1 and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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)

Ibrar//-

U		T	
---	--	---	--

