

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32964 of 2021

Arising Out of PS. Case No.-561 Year-2019 Thana- DANAPUR District- Patna

RESHMA KUMARI D/o Ram Pukar Chaudhari R/o village and P.O. and P.S.-
Hathiar, Distt.- Gaya, At present Village- Khalil Pura, P.O. and P.S.-
Phulwarisharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 120(1), 224, 353, 307 and 414/34 of
the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

According to the prosecution, one constable is said to
have been inflicted gun shot injury by one of the prisoners while
the prisoners were shifted to the jail from the Court.

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
the petitioner has not been named in the F.I.R. and mere on
statement of one Miraj Imam, she has been made accused in this



case on suspicion. Nothing incriminating has been recovered from the conscious possession of the petitioner. No specific allegation of firing or any overt act is attributed to the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the trial of the case is still pending for the prosecution evidence as out of 18 witnesses, only three witnesses have been examined up till now. He further submits that the petitioner is rotting in judicial custody since 11.07.2019 i.e. more than two years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with S.T. No. 1009 of 2019 arising out of Danapur P.S. Case No. 561 of 2019 with the following conditions:-

(1) 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 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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