

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28298 of 2022**

Arising Out of PS. Case No.-272 Year-2021 Thana- SARAIYA District- Muzaffarpur

Munchun Devi Wife Of Sri Ram Singh R/O Village- Rewa, Basantpur, P.S.-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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

2 09-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioner is apprehending her arrest in a case
registered for the offences punishable under Sections 304 and 34
of the Indian Penal Code.

According to the prosecution case, the brother of
the informant of assaulted by some people who were
continuously stabbing him where Munchun Devi (petitioner)
was found saying that the informant's brother must be killed
today.

Learned counsel for the petitioner submits that the



petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of assault and firing against the co-accused persons and the allegation against the petitioner is only, that she is order giver. He further submits that she has not assaulted the victim in any manner and she is a lady. He further submits that she has no concern at all with the alleged occurrence.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Saraiya P.S. Case No. 272 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 her absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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