

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41594 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- PHULWARISHARIF District- Patna

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KUMARI BARSHANATH @ KUMARI BARSHA D/O AMARNATH
RAJAK AND W/O AKSHAY MAHTO @ AKSHAY KUMAR Resident of
village- Rashtriyaganj, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.
For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of mention slip filed on behalf
of the petitioner on the ground that petitioner has pregnancy of
seven months.

Learned counsel for the petitioner is permitted to
make necessary correction in the petition during course of the
day.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Phulwarisharif P.S. Case No. 111 of 2022 corresponding to



Special Case No. 29 of 2022 registered for the offences punishable under Sections 20, 21(b), 22, 27 of NDPS Act and Sections 27(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, there is alleged recovery of one country made pistol, seven live cartridges, one magazine containing five live cartridges, rupees ten thousand as well as 2.5 gram brown sugar from possession of co-accused Akshay Mahto @ Akshay Kumar and on the disclosure of said apprehended co-accused, 5.75 gm brown sugar as well as Rs. 1,58,000/- was recovered from his house. At the time of raid of house of said co-accused, petitioner who is wife of said co-accused Akshay Mahto @ Akshay Kumar was found sitting on bed and she was also apprehended.

Learned counsel for the petitioner submits that from perusal of report of Medical Officer, Central Jail, Beur, it is evident that petitioner has pregnancy of seven months. Petitioner is in custody since 12.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is newly married woman and she had no knowledge about the illegal activities of her husband. Petitioner is simply house wife. He further submits that small quantity of



brown sugar is 5 gm and commercial quantity is 250 gm and the alleged recovery of 5.75 gm brown sugar comes under the purview of intermediary quantity.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is lady, nature of allegation, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Patna in connection with Phulwarisharif P.S. Case No. 111 of 2022 (Special Case No. 29/22), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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