

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46639 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- KOTWA District- East Champaran

Shanti Devi Wife of Late Shambhu Yadav, R/o Village- Misir Tola, P.S.-
Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Section 147, 148,
149, 324, 323, 325, 326, 341, 307, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, in short, is that all the
FIR named accused persons including the petitioner being
members of unlawful assembly came to the house of the
informant and tried to commit his murder by opening firearm
Gun.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case. He further submits that as per

allegation against in the F.I.R. that the allegation of assault and firing against Daroga Yadav. He further submits that there is no specific allegation of assault or overt act against the petitioner. He further submits that similarly situated, co-accused, namely, Deoki Yadav, Mahendra Yadav, Chuman Yadav, Rambabu Yadav, Hira Yadav, Ramchandra Yadav, Jhagaru Yadav, Kishore Yadav, Nathuni Yadav, Jitendra Yadav, Chathu Yadav and Nandlal Tiwari have been granted anticipatory bail by this Court vide order dated 22.11.2022 passed in Cr. Misc. No. 45236 of 2022 and the case of the petitioner is similar footing.

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 his 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 the learned Court below where the case is pending in connection with Kotwa P.S. Case No. 196 of 2021, G.R. No.4153 of 2021, 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 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 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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