

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.56922 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- PAHARPUR District- East Champaran

Nagma Khatun Wife of Harun Miyan R/V- Eastern Saraiya Chainpatti, Ward
No. 7, P.S- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 420, 467,
468, 201 and 171(a) of the Indian Penal Code.

According to the prosecution case, the petitioner is
working as Anganbari Sevika but without resigning from the
said post she has contested the election of Zila Parishad by
changing her name. On inquiry it was found that Sahayika
(petitioner) was absent without any leave.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that as per allegation in the F.I.R., the petitioner
without resigning from the post of Anganbari Sevika contested



election of Zila Parishad by changing her name as Nagma Khatun and elected and got certificate from SDO, Areraj. He further submits that after the filing of the present F.I.R., the petitioner has been removed from the post of Anganbari Sevika. He further submits that it has come in the F.I.R. itself and thereafter, the one Tej Narayan Prasad has filed the Case No. 20 of 2022 against the petitioner before the election tribunal for setting aside the election of the petitioner. He further submits that vide order dated 23.09.2022, the election tribunal terminated the petitioner from the post of member of Zila Parishad.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioner and fairly submits that the petitioner has terminated from both the posts in question. He further submits that the petitioner carries three more cases other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his 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 Paharpur P.S. Case No. 142 of 2022, 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, her 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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