

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58597 of 2022

Arising Out of PS. Case No.-123 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

Mina Devi Wife of Dinesh Choudhary R/V- - Laxminiya Pul, Kajraili, P.s-
Jagdishpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf

For the Opposite Party/s : Mr. Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2022 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 Sections 147, 149,
341, 323, 379, 436, 504, 506 of the Indian Penal Code.

According to prosecution case, the petitioner and other
co-accused persons assaulted the informant by means of several
weapons. It is further alleged that all the accused persons burnt
the house of the informant and took Rs.8000/- from the son of
the informant.

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 there is case and counter case between the parties and it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that there is no specific allegation of any assault or overt act against the petitioner. He further submits that similarly situated, co-accused, namely, Shaligram Choudhary, Rohit Choudhary @ Rohit Kumar Choudhary, Dhananjay Chaoudhary, Lalan Choudhary, Girish Choudhary, Saheb Choudhary, Sadanand Choudhary, Dinesh Choudhary, Kiran Devi and Rekha Devi have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.08.2022 passed in Cr. Misc. No. 56865 of 2021 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 her 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 Jagdishpur P.S. Case No. 123 of



2019, 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 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 her 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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