

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.648 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- BHAPTIAHI District- Supaul

Nasima Khatun @ Bibi Nasima @ Bibi Nasima Khatoon, W/O Md. Mustafa
Resident Of Village- Chhitahi Hanuman Nagar, Ward No. 12, P.S.-
Bhaptiyahi, District- Supaul.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, who is a lady, seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 188, 153(A), 143 of the Indian Penal Code, Sections 130(i) of the B.P.R.A. Act, 2006 and Section 9 of the Loudspeaker Act, 1955.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that during panchayat election, the petitioner was contesting as a candidate. Further, a meeting was organized at her door in which 40-50 persons participated and loudspeaker was used for the speeches. It is next alleged that Md. Isa Anwar



was inflammatory speech as detailed in the F.I.R., which had the effect of creating communal disturbance. Further, the meeting was video recorded.

The learned counsel for the petitioner submits that from bare reading of the allegation as alleged in the F.I.R., it would manifest that a meeting was held at the door of the petitioner as she was a candidate in the panchayat election in which certain inflammatory speeches were made.

The leaned counsel for the petitioner submits that the F.I.R. does not even remotely suggest that it was the petitioner at whose behest the said speech was made. It is also submitted that petitioner was completely unaware that Md. Isa Anwar would make such inflammatory speech which may create communal disturbance. It is next submitted that though in the F.I.R., it is alleged that the meeting was held without permission, but the said allegation is merely concoction in order to give serious colour to the case.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a lady, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six



weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees 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 Bhaptiyahi P. S. Case No.130 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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