

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2661 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- GAMAHAIRIYA District- Madhepura

SUNITA DEVI Wife of Mithilesh Ram @ Om Prakash Ram Resident of
Village - Piprahi, Ward No.- 05, P.S.- Gamharia, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Mohit Agarwal, Advocate
For the Opposite Party/s	:	Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard Mr. S.D. Sanjay, learned Senior counsel for
the petitioner assisted by Mr. Mohit Agrawal and learned APP
for the State.

Petitioner seeks bail, who is in custody since
29.08.2022, in connection with Gamharia P.S. Case No. 185 of
2022, F.I.R. dated 27.08.2022 registered for the offences
punishable under Sections 25(1-B)a (1-AA), 26/35 of the Arms
Act.

The case relates to recovery of many firearms, half
made fire arms, parts of the fire-arms and several equipment
meant to be used in making fire-arms.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and she has been falsely



implicated in the present case merely on the ground that she is the wife of co-accused namely Mithilesh Kumar. He further submits that it appears from the F.I.R. as well as seizure list that upon search of the house of co-accused Mithilesh Ram @ Om Prakash Ram altogether 45 items in different quantities and seized from the house of co-accused which was claimed to be used for manufacturing country made fire-arms. He further submits that the petitioner has no role at all in the alleged occurrence only being the wife of co-accused she has been implicated in the present case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura in connection with Gamharia P.S. Case No. 185 of 2022, subject to 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 witness, 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 antecedents, 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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