

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17618 of 2023**

Arising Out of PS. Case No.-164 Year-2022 Thana- ASARGANJ District- Munger

Kalpana Devi Wife of Pankaj Singh @ Banku Singh @ Baoku Singh Resident
of village - Baijalpur, P.S.- Asarganj, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Nishi, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.10.2022 in connection with Asarganj P.S. Case No. 164 of
2022, F.I.R. dated 19.10.2022 for the offences punishable under
Sections 25(1-a)a, 26(i), 35 of the Arms Act.

3. Recovery is of three country made pistol and eight
live cartridges from the house of the petitioner.

4. 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
F.I.R. as well as seizure list that three country made pistol and
eight live cartridges have been recovered from the house of the
petitioner. He further submits that there is non-compliance with



mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that for the same occurrence the husband of the petitioner has also been implicated in the present case and he is in judicial custody. He further submits that after investigation the police has submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.10.2022.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 S.D.J.M., Munger in connection with Asarganj P.S. Case No. 164 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 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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