

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17613 of 2023**

Arising Out of PS. Case No.-555 Year-2022 Thana- GOPALPUR District- Bhagalpur

Sita Devi Bhawesh Yadav R/O Village- Pokhariya, P.S- Gopalpur , District-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.11.2022 in connection with Gopalpur P.S. Case No. 555 of
2022, F.I.R. dated 09.11.2022 for the offences punishable under
Sections 216, 216(A), 225, 353, 307 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to prosecution case, as per written report of
the informant namely, Niraj Kumar in brief, is that on a secret
information that petitioner along with her husband has given
protection to an accused namely, Sonu Yadav @ Dilkhush
Yadav who is wanted in several heinous cases of murder and
robbery, informant has raided at the house of the petitioner-Sita
Devi and arrested her while Sonu Yadav and her husband fled



from the spot. It is further alleged that in the said raid accused Sonu Yadav had fired upon the police team and petitioner along with her husband has obstructed the police team from doing their duty.

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 the allegation as alleged in the F.I.R. is that the petitioner and her husband has given protection to accused namely, Sonu Yadav @ Dilkhush Yadav. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the accused namely, Sonu Yadav @ Dilkhush Yadav was not arrested from the house of the petitioner and the allegation as alleged in the F.I.R. is that the husband of the petitioner and the Sonu Yadav @ Dilkhush Yadav had fled away from the house of the petitioner. He further submits that there is no specific allegation of firing is attributed against the petitioner and there is no independent witness at the time of the alleged occurrence and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody



since 10.11.2022.

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

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 A.C.J.M., Naugachia (Bhagalpur) in connection with Gopalpur P.S. Case No. 555 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 his absence on two consecutive dates without sufficient reason, his 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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