

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37545 of 2023

Arising Out of PS. Case No.-296 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. MAIMUL NESHA W/O NAJIR MIYA @ NAJIR HUSSAIN R/O Village-Katalpur, PS. Baikunthpur, Dist. Gopalganj
2. IMAMUL MIYA @ IMAMUDDIN S/O NAJIR HUSSAIN @ NAJIR MIYA R/O Village- Katalpur, PS. Baikunthpur, Dist. Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma
		Mr. Vyas Kumar Mishra
For the Opposite Party/s	:	Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-10-2023 Heard the parties.

2. Vide order dated 19.07.2023, the bail application of the petitioner no.2 namely, Imamul Miya @ Imamuddin was dismissed as withdrawn.

3. Now, this application is being heard with regard to the petitioner no.1, namely, Maimul Nesha only.

4. The petitioner no.1 apprehends her arrest in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

5. The allegation against the petitioner is that she along with other co-accused persons crushed the body of the informant's mother-in-law by a tractor as a result of which she



died during the course of treatment.

6. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that the specific allegation is against the co-accused Immamul Mian, who has already been apprehended by the police. There is no specific overt act against the petitioner. Petitioner has no criminal antecedent.

7. Learned APP for the State opposed the prayer for anticipatory bail.

8. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner no.1 and she is a lady, let the above named petitioner no.1, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Baikunthpur P.S.



Case No.296 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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