

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45352 of 2023

Arising Out of PS. Case No.-526 Year-2022 Thana- FALKA District- Katihar

Neeta Devi Wife Of Kishan Sahni Resident Of Village - Dumar Sahni Tola,
P.S. - Falka, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.03.2023 in connection with Falka (Pothia) P.S. Case No. 526 of 2022, F.I.R. dated 23.12.2023 for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. According to prosecution case, the brother of the informant is said to have been assaulted physically and killed by the petitioner and other co-accused persons.

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 from the bare perusal of the F.I.R., it appears that the informant is not an eye witness of the alleged occurrence and on the basis of the information given by the local villagers, the present F.I.R. has been instituted. He further submits that it appears from the F.I.R.



that F.I.R. is on record in two parts:- (i) There is general and omnibus allegation against all the accused persons. (ii) There is specific allegation against co-accused persons including the petitioner that they have assaulted the brother of the informant and he has sustained injury, thereafter, during his treatment, he died. He further submits that there is no specific allegation of the alleged occurrence and it appears from the F.I.R. itself that due to admitted land dispute, the present occurrence has taken place. He further submits that co-accused person, namely, ***Pinki Devi***, who also assaulted the brother of the informant along with the petitioner has been granted bail vide order dated 08.08.2023 in Cr. Misc. No. 31491 of 2023 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that allegation as alleged in the F.I.R., has supported the medical evidence.

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 Additional



Chief Judicial Magistrate – IIIrd, Katihar, in connection with Falka (Pothia) P.S. Case No. 526 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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