

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53260 of 2023

Arising Out of PS. Case No.-375 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

ANITA KUMARI @ ANITA DEVI W/o Upendra Mahto R/o Village-
Mobarakpur (Phulkari) P.S.-Birpur, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 28-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending her arrest in
connection with Mufassil P.S. Case No. 375 of 2022 registered
for the offences punishable under Sections 379 of the IPC and
later on added Section 411 of the Indian Penal Code.
3. As per prosecution case, informant parked his
motorcycle at Singhaul Chowk on 15.07.2022 at about 7:00 a.m.
and went to shop but when he returned did not find his
motorcycle and bag containing his mobile phone and Rs. 3000/-
in cash.
4. Learned counsel for the petitioner submits that
petitioner being lady does not know how to drive the motorcycle



and she is home-maker and even she has bare knowledge about how to keep the sim in mobile though the sim was in the name of the present petitioner but prudently and pragmatically she does not know how to use the sim in mobile. He further submits that the present case has been filed against unknown. The name of the present petitioner has been highlighted just because of the sim which was in her name has been used in the mobile in question. He further submits that petitioner has become the victim of circumstance as she has nothing to do with the alleged occurrence. The said recovery is from joint house of the petitioner. He further submits that in the given facts and circumstances no offence is made out against the present petitioner. He further submits that petitioner bears no criminal antecedent. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, petitioner being a lady, argument advanced on behalf of both sides and also taking into consideration the material available on record,



the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory 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 C.J.M. Begusarai in connection with Mufassil P.S. Case No.375 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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