

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53828 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

Seema Devi W/O Anil Yadav R/O Village- Jhanathi, P.S- Mufassil, Dist-
Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-10-2023 Heard Mr.Raj Kishor Prasad, learned counsel for the

petitioner and Mr.Satya Nand Shukla, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Muffasil P.S. Case No. 159 of 2023, F.I.R. dated 08.06.2023 registered for the offence punishable under Sections 147, 149, 341, 323, 325, 307, 332, 333, 379, 411, 427, 353, 504, 506, 120B of IPC.

3. According to prosecution case, when the police party found illegal excavation and mining of the sand, the petitioner alongwith others used criminal force by pelting stones and breaking the glass of police vehicle to deter public servants from discharging of their duty due to which police personnel got injured.



4. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that on the basis of the disclosure made by the local Chaukidar, the petitioner has been implicated in the present false and fabricated case and it appears from the FIR that altogether more than 100 persons have been made accused in the present case and it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act attributed against the petitioner.

5. Considering the aforesaid facts, petitioner has clean antecedent, no allegation of any assault or overt-act is attributed against the petitioner as alleged in the FIR, name of the petitioner has been transpired on the basis of the disclosure made by the local chaukidar, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-1st, Nawada in connection with Muffasil P.S. Case No. 159 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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