

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58270 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- BRAHMPUR District- Buxar

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RUBI DEVI W/O SRI TARKESHWAR PANDEY R/O VILLAGE- JAIPUR,
P.S- BRAHMPUR, DISTT.- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Purushottam Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the informant	:	Mr. Chandra Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Chandra Mohan Singh learned counsel for the informant as well as Mr. Binod Kumar, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Brahampur P.S. Case No.154 of 2023, F.I.R. dated 19.03.2023 registered for the offence punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution story, in short, is that son of the informant has been murdered by gun shot injury in broad day light on 19.03.2023 at the morning hours in front of his house on account of land dispute. Allegation of firing is against Tarkeshwar Pandey. It is further alleged that the prior to the



occurrence a meeting was held in which the petitioner was also present along with other co-accused. Thereafter, threatening was given by brandishing firearms.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and as per FIR, allegation against the petitioner is that she had handed over the pistol to the co-accused, namely, Tarkeshwar Pandey who happens to be husband of the petitioner had fired upon the victim due to which he died. Further submits that there is no accusation of any assault or overt act attributed against the petitioner and petitioner is wife of the co-accused, namely, Tarkeshwar Pandey that's why she has been made accused in the present case.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner stating that there is specific allegation against the petitioner that she has brought the pistol from her house and hand over to the co-accused person.



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No.154 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 his absence on two consecutive dates without sufficient reason, his 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 anticipatory 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 his criminal antecedents, the court below shall take step for



cancellation of anticipatory 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)

Prakash Narayan

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