

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59329 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- NARDIGANJ District- Nawada

1. REKHA DEVI Wife of Mosafir Yadav Resident of Village- Hiranman Bigha, P.S.- Nardiganj, District- Nawada
2. RINKU DEVI Wife of Pawan Yadav Resident of Village- Hiranman Bigha, P.S.- Nardiganj, District- Nawada
3. RESHMI KUMARI Daughter of Mosafir Yadav Resident of Village- Hiranman Bigha, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar,Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Nardiganj P.S. Case No. 249 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 325, 307, 354(B), 379, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the informant alleged that while she was talking with her mother, the accused persons came inside armed variously and after abusing her and directing



to withdraw the case without any provocation started assaulting her as also her mother causing injuries on her head as also the hand of her mother which got fractured. The further allegation is of outraging the modesty and snatching gold chain. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that earlier petitioner no. 1, Rekha Devi had lodged the case against the informant and the family members vide Nardiganj P.S. Case No. 67 of 2020 and further there is land dispute in which in a zeal to implicate everyone, the female inmates of the family have also been dragged.

Learned APP for the State, on the other hand, opposes the prayer submitting that allegation of assault is against these petitioners.

Taking into account the fact that so far as these petitioners are concerned, omnibus allegation have been made against them, all the three petitioners are ladies and will ultimately be facing the trial, this Court is inclined to extend them privilege of anticipatory bail with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of



Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Nawada in connection with Nardiganj P.S. Case No. 249 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(v) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(vii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(iv) the petitioner (s) shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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