

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57315 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- PHENHARA District- East Champaran

Neelam Devi Wife Of Gagal Paswan Resident Of Village - Fenhara, P.S.-
Fenhara, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Adv

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends her arrest in connection
with Fenhara P.S. Case No. 111 of 2020 for the offence
registered under sections 448, 386, 504, 323, 379, 429 of the
Indian Penal Code and section 27 of the Arms Act.

As per the prosecution story, the accused persons
forming an unlawful assembly armed with weapons abused and
assaulted the informant side. The allegation is also of destroying
the thatched house as also opening fire which fortunately did
not hit anyone. The last allegation is of snatching of gold chain
worth Rs. 55,000/-.

Learned counsel for the petitioner submits that
only because of Title suit no. 126 of 2016 is pending between



the parties, the entire family members have been made accused.

There is general and omnibus allegation against the petitioner.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is a lady, do not have criminal antecedent, there is omnibus allegation against her, this court is inclined to extend her privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of her arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Fenhara P.S. Case No. 111 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioner 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 his/her bail bond by the Trial Court itself;

(iv) the petitioner 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 the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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