

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59191 of 2022

Arising Out of PS. Case No.-981 Year-2021 Thana- AGAMKUAN District- Patna

RAJWANTI DEVI @ RAJMANTI DEVI WIFE OF DHARMENDRA
KUMAR R/O CHHOTI PAHARI, P.S.- AGAMKUAN, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 341, 323, 324, 325, 307, 354, 504 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

The informant alleged that he has been assaulted by the petitioner by means of screw driver on his head repeatedly with intention to kill him. Further alleged that another co-accused has also assaulted the informant by stone and when her minor daughter gone there to rescue her father, he has tried to outrage her modesty.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. itself that the petitioner has assaulted the informant repeatedly with screw driver on his head but the injury does not suggest that the informant has sustained repeated blow on the head of the informant as the injury report reveals that he has got only one injury on the right side of forehead. He further submits that the petitioner happens to be a lady and the police after investigation has submitted charge-sheet in this case against the petitioner and accordingly, charge has also been framed in this case on 01.07.2022. The petitioner is rotting in judicial custody since 22.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Court below where the case is pending in connection with Agamkuan P.S. Case No. 981 of 2021 (Special POCSO Case No.145 of 2021), with the following



conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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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