

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.747 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- BAHADURGANJ District- Kishanganj

Nazli Begum @ Najli Begum Daughter of Mohiuddin @ Mayoddin Resident of Village- Yakub Tola, Nihalbhag, Sontha, P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Neeta Quodros

Mr. Anuj Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bahadurganj P. S. Case No. 154 of 2021, registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code. Later on, Sections 302/34 and 376/120B are also added.

The prosecution case as emerges from the FIR is that the sister of the informant, Sabina Begum went out of her house on 26.05.2021 at 04.00 P.M. and since then she is traceless.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner is not named in the F.I.R. and the F.I.R. has been lodged against unknown persons. She also submits that the case against the petitioner is based only on suspicion and even after investigation, there is no concrete material to connect the petitioner with the alleged offence. She further submits that investigation in this case is complete and charge-sheet has already been submitted.

She further submits that the petitioner has been languishing in jail since 31.07.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Kishanganj, in connection with Bahadurganj P. S. Case No. 154 of 2021, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of her absence or non-cooperation. He must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after



hearing him and getting satisfied that the petitioner has concealed her criminal antecedents despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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