

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71092 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Rayeesa Khatoon W/O Mumtaz Khan R/O Mohalla- Adam Khani, P.S-
Sasaram(Town), Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Nawal Kishor Singh, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Sasaram (Town) P.S. Case No. 96 of 2023, F.I.R. dated 06.12.2023 for the offences punishable under Sections 314, 323, 324, 448, 307, 379, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the informant and his son due to which they all sustained injuries.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case only on the ground that she is the



family member of the accused persons. He further submits that it appears from the F.I.R that there is no allegation of any assault or overt act attributed against the petitioner rather there is specific allegation against the co-accused, namely, Disal who has assaulted the informant by means of lathi. He further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no allegation of any assault or overt act against the petitioner and there is case and counter case between the parties, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 96 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. 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.

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 her 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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