

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65371 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BAJPATI District- Sitamarhi

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Aashma Khatoon Wife Of Lal Babu Nadaf R/O Village- Paroha, P.S.- Dumra,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.05.2022 in connection with Bajpatti P.S. Case No. 138 of
2022, F.I.R. dated 18.05.2022 for the offences punishable under
Sections 413 and 414 of the Indian Penal Code but the police
has submitted the charge under Sections 413, 414, 420, 468/34
of the Indian Penal Code against the petitioner.

According to prosecution case, all the accused persons
used to steal goods including ornaments and the petitioner sells
the stolen items to jewellery and they all equally distribute the
money among them. It is further alleged that certain
incriminating articles have been recovered from the house of the



accused person.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the ground that the petitioner is wife of the co-accused, namely, Lal Babu and the husband of the petitioner was involved in the crime in question. He further submits that the petitioner has no role at all in the present occurrence and the allegation alleged against the petitioner is false and fabricated. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi in connection



with Bajpatti P.S. Case No. 138 of 2022, subject to 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled 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.

3. 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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