

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75737 of 2023**

Arising Out of PS. Case No.-375 Year-2022 Thana- SHAHKUND District-
Bhagalpur

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BADAMO DEVI @ BADAMA DEVI W/O- GURUCHARAN DAS @ GULCHA
R/O- VILLAGE- SHAHKUND, P.S.- SHAHKUND, DIST.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar No.6

For the Opposite Party/s : Mr. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2023 Heard Mr. Ashok Kumar No.6, learned counsel for the

petitioner and Mr. Anita Kumari, learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Shahkund P.S. Case No.375 of 2022 registered for the
offence under Sections 341, 323, 354, 379, 307, 504, 506 and 34
of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the informant by iron rod and lathi along with paina
causing injury to her as a result of which he fell down and when
her mother came to rescue her, she has also been assaulted by the
petitioner and accused persons and also taken out Rs. 2500/-
from her.

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 due to admitted land dispute, the present occurrence has taken place. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 09.10.2022 whereas the instant F.I.R. has been lodged on 01.11.2022 after 21 days without any explanation only to falsely implicate the petitioner in the present occurrence. He further submits that it appears from the F.I.R. itself that no specific allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against her.

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, in the event of his arrest or surrender before the court below within a period of four weeks, 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 C.J.M., Bhagalpur in connection with Shahkund P.S. Case No. 375 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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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