

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12239 of 2024

Arising Out of PS. Case No.-689 Year-2022 Thana- KAHALGAON District- Bhagalpur

Bindu Devi Wife of Pramod Kumar Mandal @ Pramod Mandal, R/O-
Bhuskachak, P.O.- Sobhnathpur, P.S.- Kahalgaon, Distt.- Bhagalpur, Bihar,
Pin- 813203.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr. Ashutosh Kumar, the learned counsel for
the petitioner and Mr. Arvind Kumar Pandey, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kahalgaon PS Case No. 689 of 2022, FIR dated
14.07.2022, registered for the offences punishable under Section
302 read with Section 34 of the Indian Penal Code and under
Section 27 of the Arms Act.

3. According to prosecution case, the aunt of the
informant was assaulted by the accused persons over a land
dispute. It is further alleged that the accused persons shot the
aunt of the informant from point blank range.

4. Learned counsel for the petitioner submits that
petitioner is a lady having clean antecedent and she has falsely



been implicated in the present case. The allegations as alleged in the FIR are false and fabricated and the petitioner has not committed any such offence as in the FIR. He further submits that after investigation the police submitted the final form in favour of the petitioner on 19.10.2023, but the learned Court below differed with the final form and has taken cognizance against the petitioner and other co-accused persons vide order dated 04.11.2023.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the final form submitted by the police is in favour of the petitioner, let the petitioner, above-named, in the event of her arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Bhagalpur, where the case is pending in connection with **Kahalgaon PS Case No. 689 of 2022**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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