

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18905 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- UCHKAGAON District- Gopalganj

NEELAM DEVI @ NITU DEVI W/O AJAY SAH R/O SHYAMPUR
NONIYA TOLA, P.S- UCHKAGWON, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2024 Heard Mr. Manoj Singh, learned counsel for the
petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. The petitioner is apprehending her arrest connection with Uchkagwon P.S. Case No. 261 of 2023, F.I.R. dated 13.07.2023 registered for the offences punishable under Sections 341, 323, 307, 302, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that the accused persons including the petitioner came to the house of the informant with arms and all abused them and call her daughter and the informant forbid not to do so then accused Ajay Sah and Fulena Sah attacked on the informant's husband with iron weapon and knife and when the informant came to rescue her husband then other co-accused attacked on informant and she sustained injury. It is further alleged that due to injury her



husband fell down and died.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against the petitioner. He further submits that there is specific allegation against co-accused persons namely Ajay Sah and Fulena Sah and at best the petitioner may be the member of the mob.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, in the event of his 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchkagwon P.S. Case No. 261 of 2023,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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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