

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18519 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- ADAPUR District- East Champaran

Rabina Khatoon Wife of Mukhtar Ansari Resident of vill.-Bhawanipur Manje,
P.S.-Adapur (nakardei), Distt.-East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priyesh Kumar, Advocate
For the State	:	Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-04-2024 Heard Mr. Priyesh Kumar, learned counsel for the
petitioner and Md. Fahimuddin, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Adapur (Nakardei) P.S. Case No. 267 of 2023,
F.I.R. dated 08.09.2023 for the offences punishable under
Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian
Penal Code.

3. According to prosecution case, petitioner along
with other co-accused persons is said to have assaulted the
informant with *lathi*.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR it appears that there is no allegation of



any assault or overt act rather general and omnibus allegation against all the accused persons including the petitioner. He further submits that it appears from the FIR itself that due to some petty dispute between the son of the informant and the son of the petitioner the present occurrence has taken place. He further submits that there is case and counter case between the parties.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent and there is no specific allegation of any assault or overt act against the petitioner, 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, East Champaran, Motihari in connection with Adapur (Nakardei) P.S. Case No. 267 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 his absence on two consecutive dates without sufficient reason, his 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 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)

ajay/-

U		T	
---	--	---	--

