

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24401 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- ARER District- Madhubani

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1. Bhogendra Paswan S/o Late Chhotkan Paswan R/o vill - Dhakjari, P.S. - Arer, Distt. - Madhubani
 2. Buchani Devi W/o Late Chhotkan Paswan R/o vill - Dhakjari, P.S. - Arer, Distt. - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shobha Devi W/o Mangal Mehtar R/o vill - Dhakjari, Tower Chouk, P.S. - Arer, Distt. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Ratnakar Jha, learned counsel for the

petitioners and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission
to withdraw this application with respect to petitioner no. 1,
namely, Bhogendra Paswan.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as
withdrawn with respect to petitioner no. 1.

5. The petitioner is apprehending her arrest in
connection with Arer P.S. Case No. 148 of 2023, F.I.R. dated



06.10.2023 for the offences punishable under Sections 363, 366(A), 376, 341, 323, 504, 120(B)/34 of the Indian Penal Code.

6. According to prosecution case, one co-accused, namely, Sunil Paswan allured the daughter of the informant and took her to Darbhanga where on the pretext of marriage he committed rape with her. It is further alleged that Sunil Paswan brought victim in his house and this petitioner being the grandmother of the co-accused along with other accused persons have ousted the victim from their house.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the basis that the petitioner is the grandmother of the co-accused, namely, Sunil Paswan. He further submits that it appears from the F.I.R that there is no specific allegation of assault or overt act against the petitioner rather the allegation against this petitioner is that when the family members of the informant came inside the house of the petitioner, then the petitioner along with other co-accused have abused them.

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



9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation against the petitioner and apart from that the petitioner is the grandmother of the co-accused, namely, Sunil Paswan, let the petitioner no. 2, namely, Buchani Devi, 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 Sub Divisional Judicial Magistrate, Benipatti in connection with Arer P.S. Case No. 148 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)

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