

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25567 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- BANNUBAGICHA District- Lakhisarai

Sulo Devi Wife of Nawal Yadav @ Nabal Yadav Resident of Village-
Dhanvah (Bataspur) P.S.- Bannubagicha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner is apprehending her arrest connection with Bannubagicha P.S. Case No. 02 of 2023, F.I.R. dated 12.05.2023 registered for the offences punishable under Sections 341, 323, 354(b), 504/34 of the Indian Penal Code and Section 3/4 of Prevention of Witch (Dain) Practices Act, 1999.

3. The prosecution case, in brief, is that on 11.05.2023 at about 10:00 in the night the accused persons namely Nawal Yadav, Rahul Yadav, Bhikhari Yadav, Sulo Devi came armed with lathi in the house of the informant and started abusing the informant. It is further alleged that the informant protested the said abusing then the accused Nawal Yadav pulled her and told that you are area Dain and also she was taken away out of village



by accused persons. It is further alleged that accused Rahul, Bhikhari and Nawal have made her naked and the petitioner assaulted the informant.

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 the allegation as alleged in the F.I.R. is false and fabricated and 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 the allegation of assault attributed against co-accused persons namely Rahul, Bikhari and Nawal and the petitioner has been made accused on the basis that she is a family member of co-accused persons.

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 her 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 Chief Judicial Magistrate, Lakhisarai in connection with Bannubagicha P.S.



Case No. 02 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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