

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40239 of 2024

Arising Out of PS. Case No.-545 Year-2023 Thana- DARIYAPUR District- Saran

Bindu Devi Wife of Vinay Ram Village- Bela Bazar, Ps- Dariyapur, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Suman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Mukesh Kumar Suman, learned counsel
for the petitioner and Mr. Binod Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Dariyapur P.S. Case No. 545 of 2023, F.I.R. dated 27.08.2023 for the offences punishable under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. According to prosecution case, it is alleged that the petitioner along with other co-accused armed with weapons entered into courtyard of informant and abused his mother. It is also alleged that other accused persons assaulted the informant and his wife.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that from the perusal of the F.I.R, it appears that there is no specific allegation of any assault or overt act against this petitioner rather there is general and omnibus allegation against all the accused persons namely Vinay Rai, Sumanti Devi and Chandan Kumar Rai. He further submits that the petitioner has been made accused in this case merely on the ground that the petitioner is the family member of the accused persons.

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

6. Considering the aforesaid facts that the petitioner has clean antecedent and there is no specific allegation of 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 Judicial Magistrate 1st Class, Saran at Chapra in connection with Dariyapur P.S. Case No. 545 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 their 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 petitioners 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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