

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41775 of 2023

Arising Out of PS. Case No.-932 Year-2022 Thana- MADHEPURA District- Madhepura

1. Basira Khatoon W/o Md. Noor Alam @ Noor Alam R/o Village- Gadhiya, Ward No. 3, P.S- Madhepura, Distt.- Madhepura.
2. Amiya Khatoon W/o Kailu Miya @ Md. Kailu Miyan R/o Village- Gadhiya, Ward No. 3, P.S- Madhepura, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 25-10-2024 Heard Mr. Nafisuzzoha, learned counsel for the petitioners as well as Mr. Bharat Bhushan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhepura P.S. Case No. 932 of 2022, F.I.R. dated 29.09.2022 for the offences punishable under Sections 341, 323, 324, 326, 307, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, co-accused persons, Noor Alam and Sadre Alam called the brother of the informant and pointed three nut pistol and also stabbed him by means of knife due to which he sustained severe injuries.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the suspicion and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioners in the present case. He further submits that there is no specific allegation of assault or overt act attributed against the petitioners rather there is specific allegation against the co-accused persons, namely, Noor Alam and Sadre Alam.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners are ladies of having clean antecedent and there is no specific allegation of assault and overt act attributed against them , let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Madhepura in



connection with Madhepura P.S. Case No. 932 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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, their bail bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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