

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54669 of 2024

Arising Out of PS. Case No.-133 Year-2014 Thana- GHANSHYAMPUR District- Darbhanga

Phuljhariya Devi Wife Of Parmenshwar Choupal Village- Ghanshyampur, Ps-
Ghanshyampur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-12-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Ghanshyampur P.S. Case No. 133 of 2014, registered for the offences punishable under Sections 461,379 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that the informant has a mobile shop in the name of Manoj Mobile Centre at Ghanshyampur. In the night of 11-12.07.2014 some unknown thief has stolen 25 mobile sets and recharge coupon worth Rs.70-75 thousand.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown thief. However, during the course of investigation, the name of the petitioner has



transpired on the confessional statement of co-accused Brijmohan Choupal, who is none else but the son of the petitioner. It is further contended that save and except the disclosure by the son of the petitioner, there is no material suggesting the complicity of the petitioner; moreover no incriminating material, much less stolen property has been recovered from the possession of the petitioner. It is next contended that the other co-accused person, whose name has transpired during the course of investigation, has been granted bail by the court below itself in APB No. 34 of 2019 vide order dated 25.04.2019. It is the contention of the petitioner that the entire family has been made accused in this case without there being any material. The petitioner is a lady and since she was not knowing the fact that during the course of investigation her name has also been disclosed by co-accused person, the delay has caused in approaching this Court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that this is a case of the year 2014 and the petitioner has been evading her arrest for the last 10 years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and



except the confessional statement, there is no material suggesting the complicity of the petitioner; moreover the present status report of the case clearly suggests that only bailable warrant has been issued till date, coupled with the fact that the petitioner is a lady having fair antecedent, let the petitioner abovenamed be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 133 of 2014, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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