

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64495 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- BEERPUR District- Begusarai

Maryam Khatoon W/o- Md. Munaib Village- Karichak Ward No.10 PS-
Birpur Dist-Begusarail

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-12-2024 Heard Mr. Sanjay Prasad, learned counsel appearing
on behalf of the petitioner and Mr. Ram Anurag Singh, learned
APP for the State.

2. The petitioner has earlier moved before this Court
for anticipatory bail vide Cr. Misc. No.47396 of 2024, but
during the pendency of the case, she was arrested, therefore the
case was withdrawn by the order dated 07.08.2024.

3. The petitioner seeks regular bail in connection with
Birpur P.S. Case No.59 of 2024 registered for offence(s)
punishable under Sections 341, 323, 504, 506, 307, 419, 420,
406/34 of the IPC.

4. As per the allegation made in the FIR, the
informant has alleged that despite the petitioner, along with



other accused, having received a sum of Rs.5,60,000/-, has refused to register execution of sale deed. Further allegation is that when the informant asked them to either return the money or execute the sale deed, the petitioner, along with other accused, assaulted the informant.

5. Learned counsel appearing on behalf of the petitioner submitted that no case is made out in absence of any ingredient of allegation, more so, there is no specific allegation in the FIR, as on which date or by which mode the informant has given money to the petitioner. The other co-accused has been granted pre-arrest bail by this Court vide order dated 07.08.2024 passed in Cr. Misc. No.47396 of 2024. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on regular bail.

6. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties, I find that no case is made out against the petitioner in absence of any specific statement or information given in respect of transaction of money and also in absence of agreement of sale, and, as such, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on



regular bail.

8. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -Ist-cum-AM, Begusarai/concerned court in connection with Birpur P.S. Case No.59 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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