

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64160 of 2023

Arising Out of PS. Case No.-336 Year-2022 Thana- AAJAM NAGAR District- Katihar

Sabena Khatoon Wife Of Md. Soheli @ Soheli Resident Of Village - Balua
Nemole, P.S. - Azamnagar, District - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-02-2024 Heard Mr. Bhola Prasad, learned counsel for the

petitioner and Mr. Jai Narain Thakur, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Azamnagar P.S. Case No. 336 of 2022, F.I.R. dated 11.10.2022 for the offences punishable under Sections 366, 120B and 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons have forcibly taken away the wife of the informant while she was alone in the house for human trafficking.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case merely on the ground that she is the mother of the co-accused, namely, Sadaul. He further



submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the petitioner. He further submits that from perusal of the F.I.R it appears that the date of occurrence is 29.09.2022 but the present F.I.R was instituted on 11.10.2022 i.e. after delay of about 12 days without giving any explanation of the said delay only to falsely implicate the petitioner in the present case.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the name of the petitioner has been transpired on the basis of the fact that she is the mother of the co-accused person, 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 Chief Judicial Magistrate, Katihar in connection with Azamnagar P.S. Case No. 336 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. 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.

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 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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