

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81954 of 2024

Arising Out of PS. Case No.-184 Year-2024 Thana- JAYNAGAR District- Madhubani

Nasira Khatoon @ Jahira Khatoon @ Galo S/o Md. Hiira R/o vill - Rajputana
Tole, Jaynagar, ward no. 10, P.S. - Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2024 Heard Mr.Ratnakar Jha, learned counsel for the

petitioner and Mr.Ahmad Ali, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with G.R.No.1342 of 2024 arising out of Jaynagar P.S.Case No.184 of 2024, FIR dated 20.06.2024 registered for the offences punishable under Sections 341, 323, 504, 506, 307, 354B/34 of IPC.

3. According to prosecution case, all the accused persons including the petitioner were making a road on the land of the informant, when the informant opposed they pelted stones upon the informant due to which the informant received injury on the head.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. She has falsely been implicated in the present case. It appears from the FIR itself that due to land dispute, the present occurrence had taken place and from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. Although the informant has received injury but the injury report of the informant suggests that the injury is simple in nature and apart from that, co-accused person, namely, Saimul Khatoon, against whom the similar allegation, has been granted privilege of anticipatory bail by this Court vide order dated 05.10.2024 passed in Cr. Misc. No.65378 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or overt-act attributed against the petitioner and similarly situated co-accused person has been granted privilege of anticipatory bail by this Court, let the petitioner, above



named, in the event of her 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 learned Chief Judicial Magistrate, Madhubani in connection with G.R.No.1342 of 2024 arising out of Jaynagar P.S.Case No.184 of 2024, 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 his/her absence on two consecutive dates without sufficient reason, his/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



his/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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