

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85146 of 2023

Arising Out of PS. Case No.-160 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Nilam Devi @ Neelam Devi Wife of Late Shankar Rai R/o vill - Madhopur,
P.S. - Maniyari, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Sachin Kumar, learned counsel appearing

on behalf of the petitioner and the learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends her arrest in connection

with Muzaffarpur Town P.S. Case No. 160 of 2019, registered

for the offences punishable under Sections 420, 467, 468, 471

and 120(B) of the Indian Penal Code.

3. Allegedly, the FIR has instituted on the complaint,

alleging therein, that after the death of the son of the informant,

namely, Dilip Kumar, an award of Rs. 16,35,189/- was awarded,

which was deposited in the joint account of Khushboo Kumari,

Neelam Devi and the informant. However, the petitioner along

with co-accused Khushboo Kumari have withdrawn the said



amount without taking the signature of informant and in this way, misappropriated the entire amount.

4. It is submitted on behalf of the petitioner that the petitioner is none else, but the wife of the informant and mother of the deceased and only on account of some matrimonial dispute, the present FIR has been instituted by the informant against the petitioner and others. Moreover, the co-accused Khushboo Kumari, is the daughter-in-law of the petitioner and the wife of the deceased son, who died in a road accident on 24.08.2014. Further submissions has been made that the amount, which is said to have been withdrawn, has been deposited in the name of minor daughter of the deceased. That apart, co-accused Khushboo Kumari, against whom, the similar allegation has been levelled, she has been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 60762 of 2022 vide order dated 14.03.2023. He lastly submits that the petitioner is a hapless lady, and she has already lost her son and undertakes before this Court that she will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation and the fact that the petitioner is none else, but the mother of the deceased and the present FIR has been instituted by the husband of the petitioner, coupled with the fact that the another co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail, let the petitioner above named 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 160 of 2019, 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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