

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83658 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Rasha Javed Kirmani @ Sara Madam D/O- Syed M. Jawad Kirmani R/O
Village- Opposite Nmmc School, Sector-8, P.S.- Belapur, District- Thane,
(MAHARASHTRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Bipin Kumar, Advocate
For the State	:	Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-04-2024 Heard Mr. Ramakant Sharma, learned senior
counsel for the petitioner and Ms. Gulnar Begum, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Rail Jhajha P.S. Case No. 92 of 2023, F.I.R.
dated 31.03.2023 for the offences punishable under Sections
395 and 120(B) of the Indian Penal Code.

3. The prosecution story in brief is that the informant
Ravindra Dalal has stated in his written statement before O.S.
Incharge Rail Jhajha that two months ago one Sukul Sao son of
Late Kailash Sao of Lakhisarai called the informant by mobile
No. 9471427802 and told him to give him Licence regarding
Coal Mines in Jharkhand after investment of Crores Rupees.
Then the informant came to Ranchi from Haryana and met with



Sukul Sao at Chanakya Hotel and Sukul Sao told him to the train arrived at Jhajha Railway station then four police personnel came and carried the informant's trolley bag to search it then the informant resisted to it then Mukesh Thakur and Tanik Verma threatened the informant to return Delhi otherwise will be killed and four police personnel fled away after lifting the trolley bag at Jhajha then the informant arrived at the Railway Jhajha Police station and lodged the instant case.

4. Learned senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that no case under Section 395 and 120(B) is made out against the petitioner. He further submits that the from a bare perusal of the FIR it appears that the informant has alleged that he has given Rs. 50,00,000/- to the petitioner in lieu some contract work. He further submits that the informant himself accepted in the FIR that all the amounts which he has given to the petitioner or other co-accused persons have been returned back to the co-accused person, namely, Sukul Saw to the petitioner and when the petitioner returned back the aforesaid amount the same was looted by other co-accused person as per the allegation in the FIR and in fact the petitioner



was appointed as a Site Inspector at Alok Properties via an appointment letter dated 24.02.2021. He further submits that the petitioner has inspected the firm of the informant and she has given a report which suggests that the informant's firm is not eligible for the work in question so on that reason the petitioner has been falsely implicated in the present case.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and from a bare perusal of the FIR it appears that there is specific allegation against the petitioner that she has received Rs.50,00,000/- from the informant apart from that the petitioner carries one case other than the present one which is pending in the State of Haryana.

6. Considering the aforesaid facts and circumstances, 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 Railway Judicial Magistrate-cum-Additional Chief Judicial Magistrate, Kiul in connection with Rail Jhajha P.S. Case No. 92



of 2023, 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 absence on two consecutive dates without sufficient reason, his 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 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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