

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2052 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- FATEHPUR District- Gaya

-
1. Anita Devi wife of Suresh Prasad yadav Village- Gajhandi Ps- Fatehpur Dist- Gaya
 2. Suresh Prasad Yadav son of Kameshwar Prasad Village- Gajhandi Ps- Fatehpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2024 Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.2.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn with regard to petitioner no.2.

5. Now, this application will be heard with regard to petitioner no.1 only.

6. Heard learned counsel for the petitioner no.1 and



learned APP appearing on behalf of the State.

7. The petitioner is apprehending her arrest in connection with Fatehpur P.S. Case No. 13 of 2023, F.I.R. dated 06.01.2023 for the offences punishable under Sections 341, 323, 308 and 504 of the Indian Penal Code.

8. According to prosecution case, husband of the petitioner no.1, namely, Suresh Prasad Yadav is said to have assaulted on the head on the informant by means of khanti.

9. 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 wife of the co-accused, namely, Suresh Prasad Yadav. He further submits that there is no allegation of any specific overt act or any assaulted is attributed against the petitioner.

10. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

11. Considering the aforesaid facts and circumstances, let the petitioner no.1, 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



A.C.J.M.-X, Gaya in connection with Fatehpur P.S. Case No. 13 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)

ajay/-

U		T	
---	--	---	--

