

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25984 of 2025

Arising Out of PS. Case No.-702 Year-2023 Thana- GARKHA District- Saran

Nitu Kumari @ Nitu Devi Wife of Bikram Rai @ Vikram Rai Resident of
Village - Jalal Basant, P.S.- Garkha, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Dewendra Narayan Singh, learned
counsel for the petitioner and Mr. Braj Kishore, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Sessions Trial No. 367 of 2024 arising out of
Garkha P.S. Case No. 702 of 2023, F.I.R. dated 29.11.2023 for
the offences punishable under Sections 341, 323, 325, 302 and
34 of the Indian Penal Code.

3. According to prosecution case, due to land
dispute, the petitioner and her husband assaulted the informant's
husband with mallet.

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 she is wife



of the co-accused person, namely, Bikram Rai and apart from that it appears from the perusal of the F.I.R. that although the petitioner is named in the F.I.R. but there is no specific allegation of any assault or overt act against this petitioner rather the specific allegation of assault is attributed against the co-accused person, namely, Bikram Rai, who happens to be the husband of the petitioner. He further submits that due to admitted land dispute between the parties the present occurrence took place and both the parties are agnates to each other.

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

6. Considering the aforesaid facts, the petitioner has clean antecedent and there is no specific allegation of any assault or overact against this petitioner, 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 Additional Chief Judicial Magistrate-IV, Saran at Chapra in connection with -Sessions Trial No. 367 of 2024 arising out of Garkha P.S. Case No. 702 of 2023, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023
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)

Jyoti Kumari/-

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