

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.74903 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Nanki Devi Wife of Sanoj Mandal @ Manoj Mandal Resident of Village -Bariyahi, Ward No. 06, P.S.- Murliganj, District- Madhepura
2. Kalpana Devi Wife of Anoj Mandal Resident of Village -Bariyahi, Ward No. 06, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2025 Heard Mr. Uday Chand Prasad, learned counsel for the petitioners and Mr. Jagdhar Prasad, learned Additional Public Prosecutor for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no. 1, namely, Nanki Devi.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no. 1.

5. The petitioner, namely, Kalpana Devi is apprehending his arrest in connection with Murliganj P.S. Case No. 46 of 2023, F.I.R. dated 03.02.2023 for the offences punishable under Sections 341, 323, 324, 379, 354-B, 307, 504, 506, 34 of the Indian Penal Code.

6. According to prosecution case, all the accused persons including this petitioner armed with lathi and bow &



arrow have brutally assaulted the informant and his family members and they have also snatched gold chain from the neck of sister of the informant.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that although the petitioner is named in the F.I.R but from perusal of the F.I.R it appears that the specific allegation is against the co-accused persons, namely, Manoj Mandal, Anoj Mandal and Nanki Devi and there is no specific allegation against this petitioner.

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

9. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no specific allegation of assault against this petitioner, let the petitioner, namely, Kalpana Devi, 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 Judicial Magistrate 1st Class, Madhepura in connection with Murliganj P.S. Case No. 46 of 2023, subject to the conditions as



laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 her absence on two consecutive dates without sufficient reason, 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 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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