

Mangli Devi Vs State Of Bihar

Court: Patna High Court

Date of Decision: June 15, 2021

Acts Referred: Indian Penal Code, 1860 " Section 34, 120B, 212, 216A, 353
Code Of Criminal Procedure, 1973 " Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Nafisuzzoha, Satya Nand Shukla

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned Additional Public Prosecutor (hereinafter referred

to as the "APP") for the State.

4. The petitioner apprehends arrest in connection with Bausi PS Case No. 59 of 2020 dated 06.06.2020, instituted under Sections

212/216A/120B/353/34 of the Indian Penal Code.

5. The allegation against the petitioner is that when the police had gone to her house to arrest her husband and his other associates, she had obstructed

and had also torn the uniform of a constable.

6. Learned counsel for the petitioner submitted that she is a lady and has been falsely implicated. It was submitted that just because she is the wife of

Shivlal Rathor in whose house it is alleged that a notorious criminal Vijay Rathor and his associates had assembled, she has been made an accused. It

was submitted that it is not believable that a lady would obstruct the police force which is armed. Further, it was submitted that even though the

allegation is that she was harboring the criminals in her house but she had no knowledge or role with regard to any activity of her husband and also

that the allegation of having torn the uniform of a constable is a bald allegation. It was submitted that the present case has been filed separately as the

case with regard to arrest of others, including the petitioner's husband, and recovery of firearms from them, is the subject matter of a separate

case lodged by the police. Learned counsel submitted that the petitioner has no criminal antecedent.

7. Learned APP submitted that the allegation is of obstructing the police in the raid and also of getting into a scuffle with them and tearing the uniform

of a constable.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Bausi PS Case No. 59 of

2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a

close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, (iii) that the

petitioner shall also give an undertaking to the Court that she shall not indulge in any illegal/criminal activity or act in violation of any law/statutory

provisions and (iv) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or

the undertaking or failure to cooperate shall lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.