

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37103 of 2015

Arising Out of PS.Case No. -170 Year- 2013 Thana -AURAI District- MUZAFFARPUR

1. Poonam Devi, wife of Deoki Sah, resident of village Thahar, P.S. Runni Saidpur, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Kr. Virendra Narayan(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 04.07.2015 in a case registered for offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case is that the father of the informant used to sell potato and onion on bicycle in "hatiya". Accused Sarvesh Das had demanded a sum of Rs, 5 lakh on his mobile by way of ' Rangdari' from the informant two months back. After fifteen days he again demanded a sum of Rs. 4 lakhs. Twenty days thereafter, he again made a demand of Rs. 2 lakhs and threatened to ruin his family, if he failed to meet the demand. On 26.09.2013 at about 10 A.M. he asked the informant from his mobile to send two bags of rice and one can of mustard oil from Ashok Kirana



Shop and two quintal of Onion and one quintal of potato from his possession and a sum of Rs. 2.5 lacs at Dumra. Sometimes, thereafter Laxman Das, son of Bhikari Das came and asked for the articles demanded by Sarvesh Das and the informant gave him two bags of rice and one can of Mustard oil from Ashok Kirana Shop and two bags of coal. On 27.09.2013 at about 10 A.M. Sarvesh asked the informant on his mobile that he had failed to pay money to him and he should be ready for the consequence and that his main shooter was still out of Jail. At about 6 P.M. when the father of the informant was returning back to his house on bicycle after selling his potato and onion and when he reached near village- Rajkhand, Tole Koriyahi , Sarvesh Das and Karan Ram came on a motorcycle from towards Runni Saidpur and shot at the father of the informant on his chest and the father of the informant died at the spot. The informant claimed that Poonam Devi conducts “khufiagiri” for Sarvesh Das and that she had worked as a ‘liner’ and conspirator in the case.

It has been submitted by the learned counsel for the petitioner that the allegation against the petitioner is for spying for Sarvesh Das and Karan Ram with no overt act in the offence attributed to her. It has also been alleged that she is conspirator in case without any basis. It has further been submitted that the allegations against the petitioner are general and omnibus.

In view of the facts and circumstances, let the petitioner, namely, Poonam Devi 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 learned Judicial Magistrate, 1st class, Muzaffarpur in Aurai P. S. Case No. 170/2013, subject to the following conditions :-

- I) One of the bailors will be the close relative of the petitioner.
- II) The petitioner will not indulge in similar or in any other offence.
- III) The petitioner will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

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