

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49847 of 2015

Arising Out of PS.Case No. -267 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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SAVITRI DEVI

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhoy Kumar Kashyap

For the Opposite Party/s : Mr. Prem Kr.Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-04-2016

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 324, 325, 341, 326 and 120B of the IPC and 26, 27 and 35 of the Arms Act. The petitioner is languishing in custody since 09.10.2014.

Though, the earlier bail application of the petitioner was rejected by a co-ordinate Bench of this Court but the matter has been placed under the heading 'For Admission' before this Court in view of the administrative order of Hon'ble the Acting Chief Justice dated 02.03.2016 since the concerned Bench is not available due to medical exigency.

The prosecution case is that on 07.10.2014 no sooner the husband of the informant late Ram Dayal reached near the house of Shankar Sah, Co-accused Shankar Sah, Parsuram Sah

and the petitioner dragged him inside the house of Shankar Sah and as soon as the informant received information, she along with her mother-in-law and sister-in-law went to the house of Shankar Sah but they found the door of the house of the Shank Sah when all the accused persons including the petitioner assaulted the husband of the informant and also peeped out both eyes of the husband of the informant. The motive of the occurrence is that the son of the informant was abducted earlier by the accused persons for which the case was lodged and the accused persons were pressurizing the husband of the informant for withdrawal of the said case.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye-witness to the occurrence and due to previous enmity, the accusation has been levelled. The accusation is omnibus and general. Three persons namely Shankar Sah, Parsuram Sah and the petitioner alleged to had dragged the victim inside the house of Shankar Sah when the other similarly situated accused person Parshuram Sah has been granted bail vide order dated 17.12.2015 passed in Cr. Misc. No. 44820 of 2015 by co-ordinate Bench of this Court and considering the same co-accused Shankar Sah has been granted bail by learned Sessions Judge, Begusarai vide order dated 23.12.2015 passed in B.A. No.

1996 of 2015. The trial has still not commenced. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation being omnibus and general and the fact that similarly situated accused persons have been granted bail, let the above named person be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousands) with two sureties of like amount each to the satisfaction of learned CJM, Begusarai in connection with Sahebpur Kamal P.S. Case No. 267 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner if she defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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