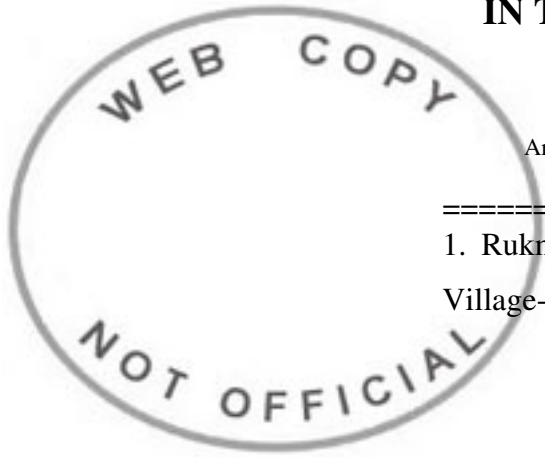




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30890 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

=====

1. Rukmini Devi wife of Sanjeev Kumar @ Saina Singh Resident of
Village- Katardih, P.S. Katarisarai, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Advocate

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code and 27 of the Arms Act.

There are two versions of the same incident which occurred in two parts. The first version is Giriyak P.S. Case No. 162 of 2015.

The prosecution case of the same is that in the



background of partition dispute on 19.07.2015 at 1.30 P.M. there was hot exchange between Bholi Singh, Sanjeev Kumar, Ankit Kumar and Rukmani Devi (petitioner), thereafter the petitioner brought licencee gun from her house and handed over to Bholi Singh, who resorted two rounds of firing, as a result, Lalan Singh received injury on the left side of the chest, thereafter Sanjeev Kumar took out chain from the neck of Lalan Singh, which led to registration of Giriyak P.S. Case No. 162 of 2015 on 19.07.2015 at 3.00 P.M. with accusation under Sections 341, 323, 307, 504, 379/34 of the Indian Penal Code and 27 of the Arms Act.

The second versions is that First Information Report lodged by Sanoj Singh being Giriyak P.S. Case No. 163 of 2015 on 19.07.2015 at 6.00 P.M. with accusation under Sections 302, 120B/34 of the Indian Penal Code and 27 of the Arms Act, wherein it is alleged that on 19.07.2015 at 12.00 P.M. there was some hot exchange with regard to partition of the land between the father of informant Sanoj Singh namely Ramdeo Singh and cousin brother of the informant. In the meantime, the petitioner Rukmini Devi brought gun and gave it to her father-in-law Bholi Singh, who fired, causing injury to Lalan Singh, thereafter the Kataraisarai police was informed, who took the injured to



the hospital. Subsequently, the villagers informed that the police is coming then Bholi Singh, Sanjeev Singh, Rukmini Devi (petitioner), Ankit Kumar, Ratanakar Singh under a conspiracy came variously armed. On protest being made by the father of the informant Ramdeo Singh then Bholi Singh resorted to fire which hit on the abdomen of the father of the informant Ramdeo Singh whereupon Pramod Singh made protest then Bholi Singh also fired at Pramod Singh. Both the father of the informant Ramdeo Singh and Pramod Singh died on the way to hospital.

It is submitted by the learned counsel for the petitioner that only accusation against the petitioner is that she brought the licensee gun and handed over to Bholi Singh, her father-in-law. No overt act has been alleged against the petitioner, who is a lady. In the subsequent, First Information Report the petitioner has been granted bail, wherein no overt act has been alleged against her. It is further submitted that Sanjeev Singh, co-accused, who alleged to have snatched gold chain from the informant has been granted anticipatory bail vide Cr. Misc. No. 7648 of 2016.

Considering the genesis of the occurrence and the petitioner being a lady, let the above named petitioner be released on bail in the event of her arrest or

surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Sushil Prasad, J.M., Ist Class, Nalanda at Biharsharif in connection with Giriyak (Katarisarai) P.S. Case No. 162 of 2015, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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