

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61045 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

RAMAWATI DEVI @ SHARMAWATI DEVI W/o Rajesh Mahto Resident
of Village- Saraiya, Police Station- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 82 of 2019 dated 22.03.2019 registered at Police Station G.B.Nagar under Sections 147,148,149,307, 323,324, 341, 342 and 302 of the Indian Penal Code

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

In the FIR, there is direct involvement of Suraj Mahto and Rajesh Mahto. There is no reference of the present bail applicant, Ramawati Devi @ Sharmawati Devi.

Learned counsel for the informant states that bail



applicant was present at the spot and was involved in the crime.

Well, save and except of such assertion that too before this Court, there is nothing on record to establish even prima facie such fact. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 25.06.2019; no further custodial interrogation is required and he has fully co-operated in the investigation. Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.



Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned CJM, Siwan in connection with G.B.Nagar P.S. Case No. 82 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, // bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make //self available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.



Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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