

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1028 of 2020

Arising Out of PS. Case No.-224 Year-2018 Thana- PATEPUR District- Vaishali

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Kiran Devi, W/o - Amarnath Sahni Resident of Village- Dih Buchauli, P.S.-
Jandaha, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-05-2020 Heard Mr. Manish Chandra Gandhi, learned counsel for

the petitioner and Mr. Dilip Kumar No.1, learned counsel appearing

for the State, through video conferencing.

The petitioner seeks regular bail in connection with
Patepur P.S. Case No. 224 of 2018, registered for the offence
punishable under Sections 364/120(B) and 13, 16, 19, 20 of the
U.A.P. Act but charge-sheet submitted under Sections 364, 120(B),
302, 201 of the Indian Penal Code and Section 13, 16, 19, 20 of the
U.A.P. Act as well as Section 27 of the Arms Act.

Prosecution story in short is that husband of the informant
and co-villager, Ramesh Jha were returning from their field, they
were surrounded near the canal bridge by accused persons. The
said fact was communicated by Ramesh Jha to his wife on mobile
phone. On hearing this, the informant with wife of Ramesh Jha



went there, they saw accused persons were standing there armed with pistol and gun and they threatened them to go back, otherwise they would also be killed. The informant has apprehension that her husband might have been killed by the accused persons.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and has falsely been implicated in this case due to oblique motive. Learned counsel further submits that the petitioner being a lady has been dragged in this case merely on the basis of the fact that her husband Amarnath Sahni is named accused in this case along with other accused persons. Learned counsel further submits that the name of the petitioner has transpired on the basis of confessional statement of co-accused, Ritu Kumari. Learned counsel further submits that accused persons named in the FIR and similarly situated persons have been granted bail by this Court in vide order dated 05.07.2019 passed in Cr. Misc. No.22448 of 2019 and order dated 17.07.2019 passed in Cr. Misc. No.32569 of 2019 and order dated 11.12.2019 passed in Cr. Misc. No.53746 of 2019. The petitioner is in custody since 14.10.2019.

Having regard to the submissions made by the parties and taking into consideration the fact that the petitioner is not named in the FIR and similarly situated persons have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 224 of 2018, subject to the condition that :-

- (i) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.
- (ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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