

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6233 of 2020**

Arising Out of PS. Case No.-234 Year-2019 Thana- SAUR BAZAR District- Saharsa

SITA DEVI Wife of Praveen Yadav Resident of Village-Ghoghan Patti, P.S.-
Sour Bazar (Patarghat O.P.), District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-07-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.234 of 2019 registered for the offences punishable under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that this petitioner is the wife of co-accused Praveen Yadav. It is alleged that the brother of Praveen Yadav who is also co-accused namely Pankaj Yadav was not having good relationship with his wife and had transferred some property in the name of this petitioner. The deceased had got a title suit filed through the



estranged wife of co-accused Pankaj Yadav and he was doing pairvi of the said case in the court which was the cause of enmity between the deceased and the family of Pankaj Yadav and Praveen Yadav. The informant has herself admitted in the FIR that her father was helping the wife of co-accused Pankaj Yadav and for that reason Praveen Yadav had been threatening his father.

Learned counsel further submits that there is no eye witness to the alleged occurrence and this petitioner has not been identified by any person, her name has been brought in this case in the confessional statement of the co-accused Raj Kishore Yadav as a member of the assailant party who was present on the spot. It is alleged that her red colour sleeper has been recovered from the place of occurrence but according to learned counsel for the petitioner nobody has identified the said red colour sleeper as that of this petitioner. Praveen Yadav has earlier surrendered and has been enlarged on bail.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, however, after going through the materials on the record and having noticed that the FIR was lodged against unknown and the involvement of this petitioner has been brought in this case in the



confessional statement of the co-accused but there is no allegation of commission of any overt act and further the alleged sleeper recovered from the place of occurrence has not been identified and there is no eye witness to the occurrence, considering that the petitioner is a female member of the family and her name has been brought on the basis of the confessional statement only, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

Let the petitioner above named in the event of her arrest or surrender within a period of four weeks from today in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.234/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

