

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10254 of 2020

Arising Out of PS. Case No.-356 Year-2019 Thana- GRIYAK District- Nalanda

Pratima Devi @ Pratima Kumari, W/o Jitendra Prasad R/o village- Barith,
P.S.- Giryak (Katari Sarai), District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushotam Sharma
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 23.10.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 147, 148, 149 and 302 of the IPC.

The prosecution case, as per the written report of Dulari Devi, submitted to the S.H.O., Shekhopura Sarai Police Station is to the effect that on 12.01.2019, the son of the informant Biru was going to his maternal house but on the way, his brother-in-law (Sala) namely co-accused Mukesh Mahto and Golu Kumar asked him to stay at their house and thereafter, they



killed him. On 13.10.2019, rumor spread that the informant's son has been killed and his dead body has been thrown, subsequently, the informant went there and found the dead body of his son in a pond adjacent to the agricultural field of Banwari Mahto situated north to the house of co-accused Bimal Mahto. The dead body of the son of the informant was recovered with many sharp cut injuries on the neck and cheek.

It is submitted by learned counsel for the petitioner that the petitioner is the wife of the brother-in-law of the deceased, namely Jitendra Mahto. The accusation against the petitioner is omnibus and general. The accusation is based on suspicion and in the FIR no specific allegation has been levelled against the petitioner, who is a lady. It is further submitted that similarly situated co-accused Bimal Mahto and the husband of the petitioner, Jitendra Mahto have been granted bail by different co-ordinate benches of this Court, vide order dated 28.02.2020, passed in Cr. Misc. Nos. 11495 of 2020 and 11079 of 2020, respectively and co-accused Maina Devi has been granted bail by a co-ordinate bench of this Court vide order dated 22.01.2020, passed in Cr. Misc. No. 2424 of 2020, as contained in Annexure-2. The investigation has already been concluded and the petitioner is languishing in custody since



23.10.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP that the petitioner is named in the FIR with specific accusation.

Considering the fact that the accusation is based on suspicion, investigation has already been concluded and similarly situated co-accused persons have been granted bail, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-I, Rajgir, Nalanda in connection with Giriyak P.S. Case No. 356 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned



ACJM-I, Rajgir, Nalanda in connection with Giriyak P.S. Case
No. 356 of 2019.

The learned Court below will be at liberty to extend
the further period of provisional bail if the lockdown is not over
in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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