

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17278 of 2020**

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Janki Devi aged about 45 yers Female, W/O Mogal yadav, R/o village- Ahir
toli, Wrd No. 8, P.S.- Nautan, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

2 15-07-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is a female who is apprehending her arrest in connection with Nautan P.S. Case No. 475 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that both the petitioner and the informant are close door neighbours. It is further submitted that in the First Information Report altogether 12 persons have been made accused. So far as this petitioner is concerned, the only allegation against her is that she along with her husband Mangal Yadav instigated the co-accused to kill the husband of the informant whereupon all the accused persons



started assaulting the husband of the informant who died due to injury.

Learned counsel submits that on perusal of the First Information Report itself it is very clear that the main assailant is co-accused Golu Yadav who had assaulted on the head of the deceased and thereafter the other co-accused persons allegedly assaulted the husband of the informant. No overt act has been alleged against the petitioner. It is submitted that it is a case of false implication and it is an example of over-implication with the aid of Section 34 IPC.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein there is no allegation of commission of any overt act against the petitioner and she along with her husband has been made accused on the allegation that they were instigating the co-accused persons, the petitioner is neighbour of the informant and the submission being that of an over-implication with false allegation, this Court directs release of the petitioner above named in the event of her arrest or surrender within a period of four weeks from today in connection with Nautan P.S. Case No. 475 of 2019 on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, 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.

(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'.

