

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23905 of 2020**

Arising Out of PS. Case No.-36 Year-2020 Thana- BIDUPUR District- Vaishali

Sumitra Devi @ Savitri Devi @ Pavitri Devi W/o Token Bhagat Resident of
Village- Kutubpur, P.S.- Bidupur, Distt- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 21-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
09.02.2020 in a case registered for the offences punishable
under Sections 302, 201 and 120B of the Indian Penal Code,



hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Gauri Devi submitted to the Station House Officer, Bidupur Police Station, is to the effect that the son of the informant, Kundan Kumar was working in the tent business of Token Bhagat, the husband of the petitioner. On 03.02.2020, co-accused Satya Prakash and Jitendra Kumar took the son of the informant, on the way, the other co-accused Token Bhagat, Shatrughan Bhagat and Sumitra Devi, the petitioner were present from before but, thereafter, the son of the informant did not return. Subsequently, the dead body of the son of the informant was recovered near Bidupur railway station, consequently, the FIR was lodged.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The petitioner is the mother of six children and has given birth of a child in the jail. The investigation has already been concluded and no cogent material has been collected during investigation against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that the petitioner is named in the FIR.

Considering the suspicious nature of accusation, the petitioner being a lady having no criminal antecedent and the fact that the investigation has already been concluded, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 36 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with



Bidupur P.S. Case No. 36 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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