

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21581 of 2020**

Arising Out of PS. Case No.-45 Year-2020 Thana- MANSI District- Khagaria

PINKI DEVI Wife of Vinod Yadav Resident of Village - Thatha east, P.S.-
Mansi, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shilpi Keshri
For the Opposite Party/s : Mr.Pradeep Narayan

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Pradeep Narayan, the learned APP for the State.

The petitioner seeks regular bail in connection with Mansi PS case no. 45 of 2020 instituted for the offences punishable under Sections 302/34 of Indian Penal Code and 27 of Arms Act.

The case of the prosecution in brief is that on 08.02.2020, after the father of the informant had returned from Khagaria to his house at about 6.30 pm, the informant & his father had gone to the house of Sanjay Yadav to prepare an estimate regarding the expense to be incurred in the Mundan



ceremony and when they were returning back from his house and had reached near NH-31 in front of the house of Vinod Yadav at about 7.30 pm, all of a sudden, the accused persons including the petitioner herein had surrounded them and upon the co-accused persons namely Ful Devi, the mother of Sumit Yadav and the petitioner herein having exhorted to kill the informant and his father, the co-accused persons had started indiscriminate firing resulting in the father of the informant receiving gun shots injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 15.02.2020. It is further submitted that the petitioner had lodged an FIR against the informant and others for the murder of her husband vide Mansi PS case no. 46 of 2020 and infact, she was arrested while she was present near the dead body of her husband and the present case arises out of case and counter case. Lastly, it is submitted that similarly situated co-accused person namely Ful Devi has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.08.2020 passed in Cr. Misc. no. 21559 of 2020.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that there is minuscule evidence in the case diary *qua* the petitioner herein and moreover, she herself is a victim, inasmuch as her husband has been killed, apart from the parity of her case with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Khagaria in connection with Mansi PS case no. 45 of 2020.

(Mohit Kumar Shah, J)

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