

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21189 of 2020

Arising Out of PS. Case No.-1052 Year-2019 Thana- HAJIPUR District- Vaishali

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1. MOSMAT SITA DEVI Wife of Late Akhalakh Rai Resident of Village - Khapura, P.S.- Bidupur, District - Vaishali
 2. Sangita Devi @ Sangita Kumari Wife of Dharmendra Rai Resident of Village - Khapura, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-06-2020 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, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Madan Kumar, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Hajipur Town P.S. Case No. 1052 of 2019, registered for the offence punishable under



Sections 395 and 397 of the Indian Penal Code.

The allegation is regarding the son of the petitioner no. 1 and the husband of the petitioner no. 2 having looted ornaments from Muthoot Finance Branch at Hajipur along with other accused persons and it is alleged that out of the looted 55.777 kg. of gold, 3 kg., 132 gm. and 200 mg. of gold jewelry was handed over to the petitioners herein by the co-accused person, namely, Dharmendra Rai and upon a raid having been conducted at the house of the petitioners, the said jewelry was recovered.

The learned counsel for the petitioners has submitted that as far as the petitioners are concerned, they have got no complicity in the matter since the petitioner no. 1 is old mother of the main accused, namely, Dharmendra Rai and the petitioner no. 2 is pregnant wife of the said accused person, namely, Dharmendra Rai. It is also submitted that admittedly, the petitioners have no role to play in the alleged robbery / loot, hence, they deserve the privilege of bail inasmuch as



they are rotting in custody since 10.1.2020. Lastly, it is submitted that the main accused, Dharmendra Rai, is behind bars.

Per contra, the learned APP 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 leaned counsel for the petitioners and taking into account the fact that the petitioners, admittedly, do not have any role to play in the alleged robbery and happen to be mother and wife of the main accused person, namely, Dharmendra Rai, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 1052 of 2019 (G.R. No. 6548/19).

It is further directed that the petitioners would



mark their attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the regular bail shall stand cancelled automatically.

As far as the petitioner no. 2 is concerned, it has been submitted by the learned counsel for her that the petitioner no. 2 is at an advanced stage of pregnancy and her expected due date of delivery is 17.7.2020, hence, she be permitted to mark her attendance before the S.H.O, as aforesaid, with effect from 1st of August, 2020. Permission is granted.

The present petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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