

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1417 of 2020**

Arising Out of PS. Case No.-322 Year-2019 Thana- SIKANDRA District- Jamui

REENA DEVI @ REEMA DEVI Wife of Sanoj Yadav Resident of Village-
Rishidih, P.S.-Sikandra, District-Jamui.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ankur Prakash Sinha
For the Respondent/s : Mr.A.G.

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

2 14-09-2020 The court proceeding has been conducted through
virtual mode.

Since the court proceeding is not functional in
physical mode, due to present Pandemic, Covid -19, the present
appeal has been listed with defects.

Learned counsel for the appellant undertakes to
remove the defect(s) within a period of four weeks of
resumption of court proceeding in physical mode.

If the defect(s) is not removed within the undertaken
period, the office will place the matter again.

Heard learned counsel for the appellant and the
State.

The present appeal has been preferred against the
order dated 06.01.2020, passed by learned Addl. District and
Sessions Judge-I-cum-Special Judge, Jamui, in connection with



Sikandra P.S. Case No. 322 of 2019, whereby the prayer for bail of the appellant has been rejected.

The appellant is languishing in custody since 10.12.2019, in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the IPC, Sections 3(i)(x) of the SC/ST (Prevention of Atrocities) Act and Section 27 of the Arms Act.

The prosecution case, as per the fardbeyan of Bablu Yadav, recorded by S.I., Dhruv Kumar, on 08.12.2019 at about 7 P.M. is to the effect that on the same day, the brother of the informant, Bipin Yadav was getting the foundation laid of his house. In the background of said dispute, it is alleged that in the evening, when labour of the brother of the informant, namely, Govardhan Manjhi was purchasing certain articles at the shop of Manoj Rai when co-accused Beeru Yadav and Balwant Yadav came and started abusing and assaulting Govardhan Manjhi and on alarm being raised, when the brother of the informant, Bipin Yadav came to rescue him, co-accused Sanoj Yadav, Raj Kumar Yadav, Manoj Yadav, Girija Yadav and Pawan Yadav came and dragged the brother of the informant near the house of co-accused Raj Kumar Yadav, and on the order of co-accused Raj Kumar Yadav, co-accused Sanoj Yadav, assaulted on the head of



the brother of the informant with garasa, which has been alleged to have brought by the wife of co-accused Sanoj Kumar, namely, Reena Devi, the appellant and when the brother of the informant tried to escape from the scene, co-accused Manoj Yadav and Girija Yadav surrounded him and co-accused Sanoj Yadav cut the throat of the brother of the informant with garasa, as a result, he subsequently died.

Learned counsel for the appellant submits that the only accusation against the appellant is that she brought the garasa and gave it to her husband. Thrust of accusation is against co-accused Sanoj Yadav. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned APP for the State submits that the appellant is named in the FIR with specific accusation.

Considering the fact that accusation of assault is not levelled against the appellant, the investigation has already been concluded and the appellant is a lady, coupled with statement made in paragraph no.3 of the petition to the effect that the appellant is not having any criminal antecedent, the order dated 06.01.2020, passed by learned Addl. District and Sessions



Judge-I-cum-Special Judge, Jamui, in connection with Sikandra P.S. Case No. 322 of 2019 is hereby quashed and the appellant is directed to be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Addl. District and Sessions Judge-I-cum-Special Judge, Jamui, in connection with Sikandra P.S. Case No. 322 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 appellant which may be transmitted by such surety on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant 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 Addl. District and Sessions Judge-I-cum-Special Judge, Jamui, in



connection with Sikandra P.S. Case No. 322 of 2019.

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

The learned court below will be at liberty to cancel the bail bonds of the appellant if he defaults for three consecutive occasions during trial.

Accordingly, the present appeal is allowed and disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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