

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29131 of 2020**

Arising Out of PS. Case No.-161 Year-2019 Thana- ANDHRAMATH District- Madhubani

SEEMA DEVI Wife of Bharat Yadav Resident of Village- Thalhi, P.S.-
Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Jha, Adv.
For the Opposite Party/s	:	Mr.Kumar Upay Pratap, APP
For the Informant	:	Mr. Arvind Kumar Singh, Adv.

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

3 22-12-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the informant.

Petitioner in the present case is seeking regular bail in connection with Andhramath P.S. Case No.161/2019 registered for the offences punishable under Sections 341, 323, 447, 302, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations the deceased was allegedly assaulted by the co-accused who are not before this Court but it is alleged that when after receiving the assault she fell down on the earth this



petitioner along with other co-accused assaulted the daughter of the informant by putting their legs on her stomach and jumping upon the stomach. Learned counsel submits that the postmortem report is not suggesting any internal injury and according to doctor no definite opinion can be given as to the cause of death. It is submitted that the petitioner has remained in jail in connection with this case since 22.10.2019.

Learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed that as per the allegations the deceased was allegedly assaulted by the co-accused who are not before this Court but it is alleged that when after receiving the assault she fell down on the earth this petitioner along with other co-accused assaulted the daughter of the informant by putting their legs on her stomach and jumping upon the stomach, the inquest report is showing only one swelling on the right back side of the head and the postmortem report not suggesting any internal injury as according to doctor no definite opinion can be given as to the cause of death, the petitioner has remained in jail in connection with this case since 22.10.2019,



investigation against her is complete but the trial is not likely to be concluded in near future, there being no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Jhanjharpur, Madhubani in connection with Andhramath P.S. Case No.161/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that the petitioner must



cooperate in course of trial by putting her appearance on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall lead to cancellation of bail bond.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that she will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

