

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35201 of 2020

Arising Out of PS. Case No.-204 Year-2020 Thana- SAUR BAZAR District- Saharsa

KANCHAN DEVI Wife of Jay Kumar Yadav Resident of Village- Surmaha
Bajrangi Tola, Ward No.7, P.S.- Sour Bazar (Patarghat O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate.

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding 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 physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, in brief, is that informant has land dispute with his uncle and while the informant along with his brother was regressing to his house by motorcycle and they reached near the house of Jay Kumar Yadav, all the named accused persons armed with weapons stopped them and took them to their door and told to kill. Petitioner along with other co-accused caught them. On the order of Raghuvar Yadav, Jay Kumar Yadav fired upon the informant's brother and killed him. On the alarm raised by the informant, he was also assaulted by butt of the katta.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. She is quite innocent and has been falsely implicated in this case due to land dispute. There is case and counter case between the parties. No incriminating article has been recovered from her conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of firing and killing the deceased is against the co-accused Jay Kumar Yadav and not against the petitioner. The petitioner is a lady, has no criminal antecedent and has been languishing in custody since 22.05.2020.

Learned APP for the State opposed the bail



petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.204 of 2020.

(Anjani Kumar Sharan, J)

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