

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69363 of 2019

Arising Out of PS. Case No.-118 Year-2018 Thana- DURAULI District- Siwan

UMAPATI DEVI, Daughter of Anil Ram, Resident of Village- Kanhaoli, P.S.-
Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 17-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 341, 323, 307 and 302/34 of the I.P.C.

The prosecution case as per the written report Manoj Kumar
Ram submitted before the S.H.O., Darauli Police Station is to the
effect that on 02.06.2018, in the background of land dispute, there
was some settlement between the parties, but subsequently, on the
same day at 9.45 P.M., seven accused persons came and started
assaulting the informant. It is alleged that co-accused, Anil Ram,
Phuleshwar Ram, Umesh Ram and Mahesh Ram pushed the



informant on the ground and started assaulting him. When the informant's brother, Binod Ram came to rescue, co-accused Mahesh Ram assaulted on his head with an iron rod, as a result, the brother of the informant fell down on the earth. When the informant's mother Mira Devi came to rescue the brother of the informant, she was also assaulted by the accused persons. It is alleged that the brother of the informant was brutally assaulted by co-accused, Mahesh Ram and the petitioner. Subsequently, the brother of the informant succumbed to the injuries.

It is submitted by learned counsel for the petitioner that only fatal injury has been found on the head of Binod Ram which is alleged to have been caused by co-accused, Mahesh Ram and considering the same, co-accused, Srijawati Devi @ Inawati Devi @ Srinawati Devi has been granted bail by a Co-ordinate bench of this Court vide order dated 28.09.2018 passed in Criminal Miscellaneous No.48267 of 2018 whereas co-accused Anil Ram, Umesh Ram, Sapna Devi and Phuleshwar Ram have been granted bail vide order dated 07.09.2018 passed in Criminal Miscellaneous No. 52297 of 2018. The petitioner, being a lady, is languishing in custody since 18.07.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that the petitioner is also alleged to have assaulted the brother of the informant but he does not controvert this fact that only fatal injury has been caused on the head of the brother of the informant by co-accused, Mahesh Ram.

Considering the fact that the investigation has already been concluded and the accusation of assault on the head of the brother of the informant is specifically alleged against co-accused, Mahesh Ram and the injury has been found to be fatal, co-accused have been granted bail by a Co-ordinate bench of this Court coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Siwan, in connection with Darauli P.S. Case No. 118 of 2018.

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 petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner 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 the learned CJM, Siwan, in connection with Darauli P.S. Case No. 118 of 2018.

The learned Court below will further 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.

(Dinesh Kumar Singh, J)

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