

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75081 of 2019

Arising Out of PS. Case No.-104 Year-2018 Thana- CHAKAI District- Jamui

Babita Devi W/O Prakash Mahto @ Prakash Prasad Verma R/o - Village-
Sone, P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
02.09.2019, has preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 302/34 of the IPC.

The prosecution case, as per the fardbeyan of
Baleshwar Verma, recorded by S.I., Shailandra Kumar roy,
Chakai Police Station, on 03.08.2018 at 07.05 P.M., is to the
effect that the informant went to drain out the water from the
agricultural field, in the meantime, his cousin brother, co-
accused Prakash Mahto and his wife, the petitioner, Babita Devi



came on the land and made protest for draining out the water from the agricultural field, thereafter, both sides abused each other. Subsequently, both the accused persons left the agricultural field, but the informant and his wife Ranju Devi remained in the agricultural field. Subsequently, at about 11.45 A.M., the five years old daughter of the informant, Rupa Kumar came to the agricultural field and conveyed the informant that the petitioner and her husband killed the mother of the informant by pressing neck and pressurizing her chest by legs. Thereafter, the informant and his wife reached the house and found his mother dead.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and the accusation has been levelled in the background of earlier land dispute. Except five years old daughter of the informant, there is no eye-witness to the alleged occurrence. It is further submitted that there is specific case of five years old daughter of the informant that the accused persons pressed the neck and also put pressure by legs on the chest of the victim, but the postmortem report reflects only one injury on the neck of the victim, which suggests that five years old daughter of the informant has been set up to implicate the petitioner. The investigation has already



been concluded, the petitioner is a lady and she is languishing in custody since 02.09.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that the whole accusation is based upon the eye-witness account of five years old child, the accusation being levelled in the background of land dispute, the petitioner being a lady and the investigation already being concluded, coupled with the fact 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 ACJM-III, Jamui in connection with Chakai P.S. Case No. 104 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 learned ACJM-III, Jamui in connection with Chakai P.S. Case No. 104 of 2018.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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