

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85426 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- PAHARPUR District- East Champaran

DR. PUJA MAJUMDAR @ PUJA MAJUMDAR @ NIMA DEVI, Wife of
Late Sarjit Majumdar @ Late Sarjit Kumar Majumdar, Resident of Village -
Paharpur, P.S.- Paharpur, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

For the Informant : Mr. Kundan Rathore, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
17.06.2019 in a case registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan
of Pranjal Kumar, recorded by Manoj Kumar Singh, S.I.-cum-
S.H.O. on 06.09.2019 at 01.03 PM. at P.H.C, Paharpur to the
effect that on 05.06.2019, in the night, the informant was
sleeping in the house with his brothers Deepanshu Kumar and
Navneet Kumar when at 10.45 P.M., co-accused, Vivek Giri,
son of Jaishankar Giri, Vivek Giri, son of Srikant Giri, Bullet
Giri, Umesh Giri along with two unknown entered into the
house of the informant and thereafter, co-accused, Vivek Giri,



son of Srikant Giri caught hold of them, whereupon, co-accused Vivek Giri, son of Jaishankar Giri assaulted with knife on the chest of the brother of the informant, Deepanshu Kumar. Subsequently, the brother of the informant, Deepanshu Kumar succumbed to the injuries. It is alleged against the petitioner who is not named in the F.I.R. that she facilitated the co-accused persons in fleeing away from the scene after committing the offence.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R., but only on the basis of circumstantial evidence, she has been roped in the present case. Moreover, the specific accusation of assault is against co-accused, Vivek Giri, son of Jaishankar Giri 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 counsel for the informant and learned APP for the State after going through the case diary submit that the petitioner has facilitated in fleeing away of co-accused persons from the place of occurrence as one Nilu Devi at paragraph no.27 of the case diary has stated that the co-accused persons were seen fleeing away from the house of the petitioner.



Considering the fact that specific accusation of assault has been levelled against co-accused, Vivek Giri, son of Jaishankar Giri, the petitioner is not named in the F.I.R., the accusation is based on circumstantial evidence, investigation being already concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with Paharpur P.S. Case No. 175 of 2019.

(Dinesh Kumar Singh, J)

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