

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86193 of 2019

Arising Out of PS. Case No.-144 Year-2007 Thana- BAUNSI District- Banka

Kaili Devi @ Makunia Devi @ Makukiya Devi W/o Chhedi Rai R/o village-
Lalmatiya, P.S.- Bounsi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 09.09.2019 in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code. Subsequently, Section 302 IPC was also added vide order dated 27.09.2007, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Budhi Nath Rai recorded by A.S.I.,P.N. Singh of Bounsi P.S. at Referral Hospital, Bounsi, Banka, is to the effect that on 22.09.2007 the informant was coming to his house situated in Lalmatiya from Shyam Bazar and when he reached near the



house of co-accused Chhedi Rai at 8.00 P.M., there he saw that several people were watching T.V. while assembling on the road and when the informant asked them as to why they are sitting on the road and obstructing it then co-accused Gholti Rai abused the informant and on protest being made, co-accused Gholti Rai, Matku Rai, Sona Rai and KailuPen Rai assaulted the informant with lathi and danda. On alarm being raised, the informant's cousin brother, Narayan Rai came to rPenescue, then he was assaulted by co-accused Lalmohan Rai, Manoj Rai, wife of Chhedi Rai with lathi and danda. Subsequently, Narayan Rai succumbed to the injury.

It is submitted by learned counsel for the petitioner that the accusation of assault is omnibus and general against all the accused persons including the petitioner. Petitioner is a lady and 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 alleged to have made assault in a case registered in the year 2007 and the petitioner was arrested in 2019.

Considering the fact that the accusation of assault is omnibus and general against the petitioner and others,



petitioner is a lady, languishing in custody since nine months, investigation has already been concluded and 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 Additional Sessions Judge-II, Banka in connection with Sessions Trial No. 374 of 2019, arising out of Bounsi P.S. Case No. 144 of 2007.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 Additional Sessions Judge-II, Banka in connection with



Sessions trial No. 374 of 2019, arising out of Bounsi P.S. Case
No. 144 of 2007.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

Since the petitioner arrested after 12 years of the
registration of the case, the learned Court below will be at
liberty to cancel the bail bonds of the petitioner, if the petitioner
defaults for two consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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