

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3119 of 2020

Arising Out of PS. Case No.-278 Year-2019 Thana- JOGBANI District- Araria

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Guriya Devi Wife of Mukul Kumar Resident of Ward No. 07, P.S.- Jogbani,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Jogbani Police Station Case No. 278 of 2019, disclosing offences under Sections 147, 148, 149, 341, 323, 324, 307, 353, 504, 224, 225, 332, 333, 413 and 414 of the Indian Penal Code.

The allegation against the petitioner is that the police, after receiving an information that two accused persons, namely, Md. Shamshul and Mukul Kumar (husband of the petitioner) were made accused for commission of murder of one Md. Islam and they were sitting in the house of the petitioner, arrived near the house of the petitioner and saw two persons coming out of the house and were intercepted by the police and on being asked, they disclosed their names as Md. Shamshul and Mukul



Kumar (husband of the petitioner). It has further been alleged that in the mean time, the mother of Mukul Kumar, Uma Devi, and the wife (the petitioner) and 3-4 other persons started abusing the police party and scuffle took place between the petitioner and the police party and the accused persons got the husband of the petitioner freed from the clutches of the police and facilitated Mukul Kumar in fleeing away from the custody of the police.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case inasmuch as from perusal of the First Information Report, it would be evident that the petitioner, along with 3-4 unknown persons and her mother-in-law got Mukul Kumar freed from the clutches of the police, there is no specific allegation regarding the act committed by the petitioner in the First Information Report. He further submits that the only allegation against the petitioner is that she used abusive language with the police party. He further submits that the husband of the petitioner is also an accused in the present case and he has been arrested by the police and his bail application was rejected by the learned Court below and in the case of murder (Jogbani Police Station Case No. 277 of 2019), the said Mukul Kumar has filed regular



bail application before this Court, being Criminal Misc. No. 11000 of 2020.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation of assault against the petitioner and the husband of the petitioner has already been arrested, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Guriya Devi, in the event of her arrest or surrender before the Court below within four weeks, 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 Chief Judicial Magistrate, Araria, in connection with Jogbani Police Station Case No. 278 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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