

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12820 of 2021**

Arising Out of PS. Case No.-99 Year-2017 Thana- SIMRI District- Darbhanga

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KAVITA DEVI @ ANITA DEVI, Wife of Vijay Mahto, Resident of Village -
Madhopur, P.S.- Simri, District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 25-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and

Mr.Arvind Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Simri P.S. Case No. 99 of 2017 registered for

the offence punishable under Sections 341, 342, 323, 354, 448,

449, 436, 427, 307, 379, 504/34 of the Indian Penal Code. Later

on Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioner submits that as per

the prosecution story the informant Rubi Kumari alleged that

her cousin brother along with some other villagers five of whom

are named in the F.I.R. assaulted her mother. This petitioner is not named in the F.I.R., however, her name has been brought in this case on the basis of the statement of the mother of the informant who in her fardbeyan recorded five days after the alleged occurrence took name of ten persons including this petitioner who had entered in her house and after tying her daughter Rubi Kumari who is informant of this case they sprinkled kerosene oil on the bed set the same on fire and locked the door from the outside. She claims that she was assaulted.

Learned counsel submits that if the occurrence as alleged in the F.I.R. and the fardbeyan of the victim are read together, huge discrepancies may be found, in fact the entire manner of occurrence and the story of the alleged occurrence are materially differing with each other.

It is submitted that the co-accused in this case have been granted bail by learned coordinate Benches of this Court. Annexure '3 series' are the orders showing grant of bail to them.

Mr. Arvind Kumar Pandey, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but at the same time submits that except suspicion there is no other material against the petitioner.

Having regard to the facts and circumstances of the

case stated hereinabove, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate- 5th , Darbhanga in connection with Simri P.S. Case No. 99 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.