

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32389 of 2021**

Arising Out of PS. Case No.-149 Year-2021 Thana- SITAMARHI District- Sitamarhi

NIRMALA MISHRA, Wife of Late Vinod Bihari Mishra, Resident of Mohalla - Laxmana Nagar, Near Sidha Ashram, Ring Bandh, Ward No. 16, P.S.- Sitamarhi, District - Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-08-2021 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. Ramchandra Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sitamarhi P.S. Case No. 149 of 2021 registered for the offence punishable under Section 147, 149, 447, 504, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

This case has been listed out of turn for the reasons stated in the mentioning slip that owing to her grim health conditions the petitioner cannot do her routine work and even

the learned Chief Judicial Magistrate vide order dated 01.04.2021 has directed the Jail Superintendent to report to the Court after ensuring thorough medical treatment to her.

Learned counsel for the petitioner submits that on a bare reading of the First Information Report it would appear that according to the prosecution case five named accused persons and 15 unknown persons came at the gate of the temple, called out the informant and when he came near the gate, the co-accused Satyam caught hold of him by his collar and started pulling out. It is alleged that this petitioner instigated the co-accused not to leave the informant whereafter all the accused persons allegedly indulged in giving lathi blow and iron rod blow. The allegation of firing has been made against co-accused Shivam and Kumar Satyam who have allegedly fired four rounds from their pistol causing injury to the wife of the informant and the Mahanth of the temple. In the said firing Mahanth Hari Narayan Das @ Hari Das died.

Learned counsel for the petitioner submits that so far as this petitioner is concerned, there is no allegation of commission of any overt act against her. It is a case of false implication and the petitioner has already remained in jail in connection with the present case since 24.02.2021, investigation

against her is complete and at this stage considering her health issues etc. she deserves privilege of bail.

Mr. Ramchandra Singh, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the informant being an eye witness has specifically named the co-accused who had allegedly fired from their pistol, no overt act has been alleged against the petitioner and the petitioner has already remained in jail for about six months, investigation against her is complete but the trial is not likely to take place in near future, 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, Sitamarhi in connection with Sitamarhi P.S. Case No. 149 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.