

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36613 of 2020

Arising out of PS. Case No.-269 Year-2019 Thana- KAKO District- Jehanabad

Radhika Devi, (Age -38 Years, Gender-Female) Wife of Siya Ram Yadav
Resident of Village - Mahamadpur, P.S.- Kako, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Gajendra Kumar Singh, learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Kako PS Case No. 269 of 2019 dated 20.10.2019, instituted under Sections 147/149/341/307/379/504/506 of the Indian Penal Code.

4. The allegation against the petitioner is that she along with other family members had assaulted the informant and his sister and specifically against the petitioner is that she along with co-accused Santosh Yadav had dragged the uncle of the informant towards the house with intention to kill and that another co-accused snatched gold locket from the neck of the informant and



the reason was that there was dispute regarding partition between them.

5. Learned counsel for the petitioner submitted that besides the petitioner being a lady and having no criminal antecedent, the parties are agnates and there is land dispute regarding partition of ancestral property, which is admitted in the FIR. It was submitted that even as per the FIR, the only allegation against the petitioner is that she along with the co-accused Santosh Yadav had dragged the informant's uncle towards their house with intention to kill.

6. Learned APP submitted that the petitioner had also participated actively in the crime. However, it was not controverted that the only allegation against her is that she along with co-accused Santosh Yadav had dragged Binod Yadav, who is uncle of the informant, towards their house with intention to kill.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1st, Jehanabad in Kako PS



Case No. 269 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall cooperate with the Court and police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or failure to cooperate shall lead to cancellation of her bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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