

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38727 of 2020**

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

NANKI DEVI @ FULWA DEVI @ NANKI DIDI W/o Aitwar Bhuiyan
Resident of Village - Ekrupaiwa, P.S.- Lutua, Distt.- Gaya, State Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar, Advocate

For the Opposite Party/s : Mr.Tarun Kumar Mandal, APP

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

4 13-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Lutua P.S. Case No. 06 of 2019 registered for the offences punishable under Section 147, 148, 149, 353, 307, 120(B), 121, 122, 124(A) of the Indian Penal Code and Section 25(1-b)A, 26, 27, 28, 29 of the Arms Act, Section 3/4/5 of the Explosive Substances Act, Section 16, 18, 20 of the U.A.P. Act. Petitioner is in custody since 17.02.2020.

As per the prosecution story, while the informant received an informant from 205 Cobra Forces regarding Maoists who had been seen in Lutua, Bankebajar, Gaya planning for some big occurrence, he prepared a team against the extremists and reached at the place and while maintaining secrecy



suddenly firing from higher location was being made whereafter informant and his team opened counter fire in reply and taking advantage of darkness the extremists were fled away from there. It has been further alleged that in morning the police team found dead body of one extremist who was in dress and from possession arms, naxali purcha and other articles were recovered and seizure was made.

Learned counsel for the petitioner submits that the name of the petitioner has been brought in this case alleging that while the Naxalis were fleeing away they were taking the name of their associates and the name of this petitioner has transpired in the said occurrence. There is no specific allegation against her and there is no allegation that this petitioner was involved in firing upon the police party.

Learned counsel further submits that this petitioner has got no criminal antecedent. Several co-accused similarly situated have been granted bail by learned coordinate Benches of this Court as well as by this Court.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner but in the kind of materials which have been placed before this Court save and except alleging that the name of the petitioner has transpired from the mouth of the



Naxals who were fleeing away from the place of occurrence no other material has been brought to the notice of this Court and on finding that the co-accused similarly situated have been granted bail earlier, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sherghati, Gaya, in connection with Lutua P.S. Case No. 06 of 2019, 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)

Rajeev/-

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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'.

