

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 39531 of 2020

Arising out of P.S. Case No. 238, year- 2020, Thana- Atri District Gaya

1. Vidyadhari Devi @ Vidya Devi @ Vidhya Devi, aged about 50 years, Female, wife of Shankar Prasad, resident of village- Jiri, Police Station- Atri, District Gaya.

2. Ram Pravesh Yadav @ Ram Prawesh Yadav, aged about 48 years, male, son of Bhuneshwar Yadav, resident of village Jiri, Police Station, Atri, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Nazmi, Adv.

For the Opp. Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 02-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the parties.

After some arguments, the learned counsel for the petitioners, in learned APP for the State, Shri



Choubey Jawahar, seeks to withdraw the present petition qua the petitioner no. 2 in order to enable him to surrender before the learned court below and pray for regular bail. Accordingly, the present petition stands dismissed as withdrawn, qua the petitioner no.2, with liberty to him to surrender before the learned court below and seek regular bail.

The petitioner No.1 apprehends her arrest in connection with Atri P.S. Case No. 238 of 2020 for the offence punishable under sections 307, 353, 427 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that the accused persons including the petitioner no. 1 herein had formed an unlawful assembly and thereafter, the accused persons had started assaulting Gulgulias (group of nomadic persons) and when the police had arrived and had tried to save them, the accused persons had also assaulted the police party and tried to take out the injured Gulgulias from the police vehicle. It is alleged that the accused persons had not only assaulted the Gulgulias but had also assaulted the police personnel.

The learned counsel for the petitioner no.1 herein has submitted that the petitioner no.1 is innocent, has been falsely implic



antecedent. It is further submitted that as far as the petitioner no. 1 is concerned, she is a lady and no specific allegation has been levelled against her of having either engaged in any sort of overt act or having caused any injury to the Gulgulias or the police personnel.

Per contra, the learned APP for the State, Shri Choubey Jawahar, has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no.1 has not been alleged to have assaulted either the Gulgulias or the police personnel, I deem it fit and proper to admit the petitioner no.1 herein to the privilege of anticipatory bail

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioner no.1, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Gaya in connection with : No. 238 of 2020, subject to the



conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

