

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41112 of 2020

Arising Out of PS. Case No.-1 Year-2019 Thana- SANGRAMPUR District- East Champaran

Nitu Kumari Devi @ Nitu Kumari, Wife of Vikash Kumar Sharma, Resident
of Village - Murli Nizamat, P.S. - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 24-07-2021 Heard Mr. Vijay Shankar Shrivastava, the learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of her
arrest in connection with Sangrampur P.S. Case No. 01 of
2019, dated 02.01.2019, instituted for the offences under
Sections 341, 323, 353, 504 and 34 of the Indian Penal
Code.



It has been alleged in the F.I.R. that during the selection process of Aaganbari Sewika/Sahayika, the informant received a telephone call on the first day of the process for appointing one Pinki Kumari who was higher in the merit list. The meeting was postponed but in another meeting also, the informant claims to have received a call for appointing such person whose husband was one Chandramohan Sahani. In the meantime, one Pundeo Sahani started assaulting the informant and also called-in other villagers to disturb the process of selection. The petitioner has been named by the informant in the F.I.R. only on the basis of her image having been captured in the CCTV footage.

The learned counsel for the petitioner has submitted that there is no specific accusation against her except that her face was visible in the CCTV footage of the day when such an occurrence had taken place. The petitioner is not one of the aspirants for the post nor is she associated with any one of the named persons who had disturbed the process of selection on that day. That the



petitioner was seen in the video frame, it has been urged, cannot ever be a ground for suspecting her complicity or participation in the offence.

Though the learned counsel for the petitioner has not been able to explain the reason for her presence in the video clip, but it appears that such an accusation is very far fetched. If the petitioner was not an aspirant for the said post and is also not associated with the persons who had disturbed the process of selection, then it can safely be inferred that the petitioner was present there for witnessing the pandemonium in the local Panchayat building.

In any view of the matter, the evidence is too bleak for prosecuting the petitioner in the instant case.

Regard being had to the facts afore-stated, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari,



East Champaran in connection with Sangrampur P.S. Case
No. 01 of 2019, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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