

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7961 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- JAMUI District- Jamui

Indu Devi, aged about 33 years, (Female) wife of Triveni Rawat, Resident of village- Buxar, Police Station- Jamui, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Choubey Jawahar APP
For the informant	:	Mr. Najmul Hodda, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner, informant and learned counsel for the State.

The petitioner seeks bail in Jamui PS Case No. 401 of 2020, instituted for the offence under Sections 147,148,149,341,342,323,324, 325, 363, 364, 307,302, 120B, 201, 506, 153A and 295A of the Indian Penal Code.

As per allegation in the First Information Report, it is



stated by the informant that twenty five named accused persons and also 20-25 unknown came variously armed. They informed on the telephone that they have kidnapped two persons. They started to beat the persons and on the orders of the petitioner and one Pinki Devi, it is stated that the accused persons, namely Rahul, Sunil Rawat, Vijay Rawat, Mahesh Rawat and Prakash Yadav started to assault and later one dead body was recovered who was identified as Ibran.

The learned counsel for the petitioner submits that the allegations as levelled in the First Information Report are false and incorrect. The petitioner, who happens to be a lady, has been falsely implicated in the case by naming her besides the twenty five other named accused persons. Even accepting the allegations in the First Information Report, there is no allegation of overt act against her. Having no criminal antecedents, the petitioner is in custody since 11.08.2020. Similarly situated co-accused, namely, Pinki Devi has been allowed bail in Cr. Misc. No. 3 of 2021. Petitioner prays for bail on the ground of parity.

The learned counsel for the informant and learned APP representing the State have opposed the prayer for bail. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but, she was one of the main



players actively participating the occurrence and it was on her order that the occurrence is said to have been taken place.

Considering the rival submissions, and taking into consideration the submissions made on behalf of the petitioner together with the fact that no overt act has been alleged against the petitioner who is a lady and is in custody since 11.08.2020, this Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM Jamui**, in connection with **Jamui P.S. Case No. 401 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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