

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33552 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- DARBHANGA District- Darbhanga

SITA DEVI Wife of Sri Rameshwar Ray @ Rameshwar Rai Resident of
Village- Jitwarpur Chauth, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 02-03-2022 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and Mr. Umanath Mishra, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Nagar
P.S. Case No. 320/2020 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code 1860.

The informant alleged that in the morning of
9.12.2020 at about 10:00AM, he opened his jewellery shop
namely, Alankar Jewellers, five miscreants having pistol in their
hands entered into the shop and on the gun point, looted
Rs.2,19,000/- cash along with gold jewellery worth Rs.
5,35,15,040/- as well as diamond jewellery worth
Rs.10,22,288/-, and fled away on two Motorcycle towards
north.



Learned counsel for the petitioner submits that the petitioner happens to be the mother of the co-accused Manoj Rai who was identified in the CCTV footage, and, thereafter, raid was conducted in the house of Manoj Rai and a bag containing Rs.13.5 lacks cash and about 100 grams of gold jewelry were recovered. Learned counsel further submits that the petitioner has been made accused in this case on the basis of confessional statement made by the wife of co-accused Manoj Rai who has stated that her husband had given her 1 kg. of gold jewelry and the same was subsequently taken away by her husband for the purpose of sale and a sum of Rs.18,00,000/- was given which was kept in the house with the help of the petitioner. He also submits that the petitioner is 65 years old and except confessional statement of the wife of co-accused Manoj Rai, there is no material against the petitioner to connect her in the present offence. He next submits that even if the confessional statement is taken as true on its face value, the offences under Sections 395 and 397 Indian Penal Code are not made out against the petitioner. He next submits that the recovery was made from the house in which the petitioner as well as other family members including wife of Manoj Rai reside. The petitioner is in custody since 10.01.2021 having no



criminal antecedent.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is mother of co-accused Manoj Rai and she has been made accused on the basis of confessional statement of the wife of co-accused Manoj Rai, she is 65 years old and is in custody since 10.01.2021 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Nagar P.S. Case No. 320 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if she fails to do so on two consecutive dates, her bail bonds will be liable to be cancelled.

S.Ali/-

(Anil Kumar Sinha, J)

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