

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26600 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- WARISNAGAR District- Samastipur

Sima Devi Wife of Amar Jyoti Thakur Resident of village - Rohua West, P.S.-
Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Warisnagar P.S. Case No. 300 of 2021 for
the offences punishable under Sections 302,120(B)/34 of
the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is alleged that on
08.11.2021, the informant's husband went to open his shop,
in the meantime, all the FIR named accused along with 4-5
unknown persons came there and the petitioner threatened
her husband either to compromise or to continue Warisnagar



P.S.Case No. 209 of 2020 he has to face consequences and when the same was protested, the petitioner ordered her son to kill him, thereupon co-accused Aman Kumar @ Raja wiped out his pistol and made indiscriminate firing over the husband of the deceased resulting into his death on the spot.

Learned counsel for the petitioner submits that so far as the petitioner is concerned, at best he can be said to be an order giver and there is no allegation of any overt act against her. It is also submitted that specific allegation of indiscriminate firing is against Aman Kumar @ Raja and the petitioner only being mother of the co-accused Aman Kumar @ Raja, her name has been implicated in this case. It is next submitted that petitioner is being lady having fair antecedent, is in custody since 10.11.2021 and moreover, admittedly, there is enmity between the parties due to land dispute, which resulting into lodging the FIR and implicating the names of all the family members of the petitioners. It is lastly submitted that the occurrence took place in the morning on 08.11.2021 but the FIR has been instituted on 09.11.2021 after delay of one day without assigning any reason for delay.



On the other hand, learned counsel for the State vehemently opposed the bail application of the petitioner and submits that petitioner is an order giver.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is an order giver and the specific allegation of indiscriminate firing is against Aman Kumar @ Raja, apart from the fact that the petitioner is a lady and is in custody since 10.11.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No. 300 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence



or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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