

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28994 of 2022

Arising Out of PS. Case No.-377 Year-2019 Thana- BARACHATTI District- Gaya

Sugia Devi @ Sugiya Devi, W/o Tinku Ravidas @ Tinku Das, R/o village-
Sarsowabad, P.S.- Barachatti (Mohanpur), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019 registered for the alleged offences under Sections 341, 323, 448, 307, 379, 427, 504 and 506/34 of the Indian Penal Code and later on Section 302 IPC was also added.

As per prosecution case, in the back ground of dispute over flag hoisting on Independence day, altercation and scuffle took place between two groups. A free fight ensued in which one Rakesh Ravidas of petitioners side received injury on his



head and subsequently died. The allegation against the petitioner and other co-accused persons is that they assaulted the persons of informant side with *lathi*, *danda*, bricks, and stones.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the case of informant is counter blast of the case filed by Saryu Ravidas vide Barachatti (Mohanpur) P.S. Case No. 376 of 2019 against the informant side for the death of Rakesh Ravidas. The petitioner is agnate of the co-accused Saryu Ravidas and the deceased Rakesh Ravidas and for this reason, she has been made accused in this case. Moreover, there is no specific allegation against this petitioner and only general and omnibus allegation has been made against her and 15 other co-accused persons. Even there is no specific allegation of committing theft or assaulting deceased Ganpat Das who died two months after the occurrence. A number of similarly situated co-accused persons have been granted anticipatory bail/bail by different Coordinate Benches of this Court, which are as follows:-

The co-accused Sunaina Devi, Gauri Devi @ Sona Devi and Girija Devi have already been granted Anticipatory bail vide Cr. Misc. No. 26880 of 2020 on 24.11.2020, whereas co-accused, namely Aarti Devi has been granted anticipatory



bail vide Cr. Misc. No. 18729 of 2021 on 21.01.2022 and co-accused Saryu Ravi Das has been granted anticipatory bail vide Cr. Misc. No. 32485 of 2021 on 03.03.2022. The co-accused Sima Devi, Urmila Devi, Kapil Ravidas and Raju Ravidas have been granted bail vide Cr. Misc. No. 23148 of 2021 on 26.10.2021. This petitioner is in custody since 26.02.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that due to assault made by the petitioner and other co-accused persons, death of a person has taken place.

Having regard to the submissions made hereinabove and considering the general and omnibus nature of allegation against the petitioner and also considering the counter case of the petitioner side, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Tinku Ravidas,



husband of the petitioner, who has sworn the affidavit in this case.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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