

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41918 of 2021

Arising Out of PS. Case No.-473 Year-2019 Thana- SAUR BAZAR District- Saharsa

KAJAL DEVI W/o Dilkhush Yadav Resident of Village - Ward No.3, Biswari,
P.S.- Gwalpara, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Prasad

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 18-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends her arrest for the

offences alleged under Sections 147, 148, 149, 302, 504 and 506

of the Indian Penal Code and Section 27 of the Arms Act,

registered in connection Sour Bazar (Pastpar O.P.) P.S.Case No.

473 of 2019.

As per the allegation, Jyotish Kumar, the son of the

informant was going by his tamtam. One Scorpio bearing

Registration No. BR-43P-0025 on which the Board of Mukhiya



was attached, wanted to overtake his tamtam. Some altercation took place between Joytish Kumar and the persons present in the Scorpio. They committed murder of Joytish Kumar by firing shot. A prayer has been made in the written report to bring the petitioner, who is Mukhiya and other persons to book.

The learned counsel for the petitioner has submitted that in FIR itself it has been stated that Raju Kamat and Biren Kamat are the eye-witnesses of the occurrence. Both of them have filed affidavits that they did not see the occurrence. Xerox copies of the affidavits have been filed along with the supplementary affidavit. He has submitted further that during the course of investigation, it has emerged that no female members were present in the Scorpio. The petitioner has falsely been implicated merely because she is the owner of the said Scorpio. In FIR, it has been mentioned that the driver of the said vehicle had asked the co-accused Bijli to flee away hurriedly, otherwise they might be arrested. By filing medical papers, it has been submitted that the petitioner is a patient of breast cancer.

Considering the above facts and circumstances, special the fact that the petitioner is a lady and has clean antecedents, let the petitioner above-named, in the event of her



arrest or surrender within four weeks from the date of communication of this order, 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 learned Chief Judicial Magistrate, Saharsa in connection with Sour Bazar (Pastpar O.P.) P.S.Case No. 473 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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