

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42413 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- KARAMCHAT District- Kaimur (Bhabua)

INDU DEVI Wife of Laxman Paswan Resident of Village - Sabar, P.S.-
Karamchat, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate.

For the Opposite Party/s : Mr.Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 08.04.2021,
seeks regular bail in connection with Karamchat P.S. Case No.
21 of 2021 for the offence punishable under Section 302/120B
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the informant
gave her fardbeyan before the police alleging therein that her
co-villager namely Deepak Paswan, son of Laxman Paswan was
killed by means of knife in her village 6 months ago and her
husband was made accused in that case. It is further alleged that



Laxman Paswan and his wife Indu Devi (petitioner) were pressurising the police to arrest her husband. It is further alleged that on 06.04.2021 at about 06:35 PM in the evening, she had gone to market with her husband and while her husband was standing at a shop, Bharat Paswan, Om Prakash Paswan, Shyam Narayan Paswan, Indrajeet Paswan @ Puran Paswan and three unknown criminals resorted to fire on the husband of the informant due to which her husband fell down, thereafter all the accused persons fled away. One Shiv Pyare Dubey made alarm upon which the accused persons again opened fire as a result of which he also sustained fire arm injury. Both the injured were hospitalized and succumbed to injuries. Specific allegation against the petitioner is of using filthy language to the family of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and she has falsely been implicated in this case. He further submits that there is no allegation against the petitioner either of assaulting the deceased or threatening him on any point of time. Even from the allegation made in the F.I.R., it appears that she had at times abused the informant and her family members. There is no eye witness to the incidence. Petitioner who is a lady is in custody



since 08.04.2021 having clean antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and further submits that the petitioner is one of the conspirator which led to the murder of the deceased namely Rakesh Singh @ Tirpan Singh and Shiv Pyare Dubey.

Having heard the learned counsel for the parties and on perusal of the material available on record, allegation made against the petitioner is that she used to abuse the informant and her family members and conspired to murder the husband of the informant.

The Apex Court in case of **Dataram Singh Vs. State of Uttar Pradesh and Anr.**, the Apex Court has held as under:

"2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in



a prison or in a correction home (whichever expression one may wish to use) is an exception.”

The Apex Court has also held in several judicial pronouncements that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot be kept behind the bar even after completion of investigation.

Considering the aforementioned facts and circumstances of the case as well as the settled legal position, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Karamchat P.S. Case No. 21 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) She shall make herself available for the purpose of trial before the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

(3) She shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;



(4) She shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

