

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44106 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

Chhoti Devi @ Karo Devi @ Kari Devi @ Goti Devi @ Karki Devi, D/O
Late Laxmi Mukhiya, Resident Of Village-Sardani, P.S-Alouli, District-
Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Alouli P.S. Case No. 122 of 2020 registered
for the offences punishable under Section 302, 307/34, 120B of
the Indian Penal Code read with Section 27 of the Arms Act.
She is in custody since 17.06.2020 having no criminal
antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per
prosecution story, the co-accused Ajay Mukhiya, Shamsher
Mukhiya, Arun Yadav, Vikram Tanti and three unknown persons



had been firing by their pistol on the brother of the informant. They had fired on the order of co-accused Vidyanand Yadav.

It is submitted that petitioner is not named in the First Information Report but she has been involved in this case on the basis of confessional statement of co-accused Shamsheer Mukhiya alleging that this petitioner was also part of the group which hatched the conspiracy. It is further submitted that co-accused Sunil Yadav, against whom the allegation was that the conspiracy was hatched up in his house, has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 35719/2021. It is pointed out that the petitioner has got no criminal antecedent.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering that the petitioner is not named in the First Information Report, she is not the assailant and her name has come alone in course of investigation on the basis of the confessional statement allegedly recorded in police custody of co-accused Shamsheer Mukhiya, the petitioner has already spent about one and half year in custody, investigation against her is complete and her appearance may be secured in course of trial, therefore this court directs release of the petitioner above named on bail on



furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 122 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

