

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45964 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

JAYANTI DEVI W/o SHIV NANDAN MEHTA @ SHIV NANDAN
MAHTO R/o VILLAGE-HUSSAINA, P.S-MEDNI CHOWKI, DISTRICT-
LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kr. Sinha Mr.Rabi Bhushan Ms. Rakhi Kumari
For the State	:	Mr. J.N.Thakur APP
For the informant		Mr. Chandra Mohan Jha Mr. Saurabh Kumar

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

ORAL ORDER

3 29-06-2022 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 302, 120(B) and 34 of the

Indian Penal Code including Section 27 of the Arms Act,

registered in connection with Medni Chowk P.S.Case No. 40 of

2021.

The petitioner is the mother-in-law of the deceased



Rishidev Kumar. As per the FIR, the informant who is brother of the deceased, was returning to his house with his brother Rishidev Kumar by a motor-cycle and when they reached near Nandpur Dhala, co-accused Nutan Mehta, wife of Rishidev Kumar, Shiv Nandan Mehto, father-in-law of the deceased and Om Mehto, brother-in-law of the deceased, along with two unknown persons, stopped his motor-cycle. They started altercation with the deceased. It is further alleged that Nutan Mehta asked his father and brother Om Mehto and Shiv Nandan Mehto to kill the deceased. Then Om Mehto and Shiv Nandan Mehto fired shot on the deceased. Having sustained the injury, Rishideo Kumar fell on the ground. Nutan Mehta also assaulted him with the butt of pistol on his head. Rishidev Kumar died on the spot. It has also been mentioned in the FIR that the above-named accused persons and the petitioner, prior to the occurrence, had threatened the deceased to kill.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated. The main allegation to kill the deceased is on Om Mehto and Shiv Nandan Mehto and there is also allegation against Nutan Mehta to assault the deceased on his head with the butt of pistol, but in the entire FIR there is no allegation against the present



petitioner to assault the petitioner. He has submitted further that in the impugned order the statements of the witnesses in paragraph nos. 30, 31, 32, 35, 52 and 70 have been quoted mentioning that the complicity of the present petitioner emerges, but the real fact is that in those paragraphs the name of the petitioner does not find place. He has also submitted that the charge-sheet was submitted against other co-accused persons, but up-till now no evidence could be collected against the petitioner, which transpires from supervision note of Superintendent of Police.

The learned counsel for the informant has submitted that, though it is true that the witnesses enumerated have not named the present petitioner, but her name has specifically figured in the FIR.

No evidence has been collected as yet against the petitioner during the course of investigation, though investigation is going on. As such, the petitioner above-named, in the event of her arrest or surrender within four weeks from the date of communication of this order, shall be released on bail **till submission of the final form or the charge sheet**, as the case may be, 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, Lakhisarai in connection with Medni Chowk P.S.Case No. 40 of 2021, 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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