

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35879 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- CHHABILAPUR District- Nalanda

Chinta Devi, wife of Late Rajeshwar Yadav Resident of Village - Lodipur,
P.S.- Chhabilapur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned Senior Counsel for the petitioner and
the learned APP for the State through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The case is registered under Sections 147, 148, 149,
115, 302, 307, 120(B) of the Indian Penal Code and Section 27
of the Arms Act in connection with Chhabilapur P.S. Case
No.79 of 2021.

As per the prosecution story, the informant has
alleged that due to ploughing of the field and a Title Suit
No.74/2010 is going on, the accused persons variously armed
assaulted the informant side and further allegation is that upon
the order of petitioner herein, Guddi Yadav opened fire killing
Dhirendra Yadav, Indu Yadav and Mahendra Yadav too opened



fire causing death informant's father Yadu Yadav, Lallu Yadav caused the death of his brother Madhesh Yadav, Nitish Yadav and Raushan Yadav became the reason for the killing of his uncle Shivla Yadav while Chhoti Yadav and Manish Yadav killed his elder brother Pintu Yadav. The said firing also led to injuries to Binda Yadav, his uncle as also Parshuram Yadav, his grandfather, brother Mantu Kumar and another uncle Mithu Yadav.

Learned Senior counsel for the petitioner submits that although there has been killings of host of people as also injuries to the informant's family members, so far as this petitioner is concerned, it would manifest from the FIR itself that since the informant has assigned role to each and every family member of her side, she too was dragged in and the role of order giver was attributed to her. It is his further submission that although she is 70 years of age, it was wrongly stated as 50 years. His last submission is that she is in custody since 12.08.2021.

Learned APP on the other hand submits that half a dozen people have been killed from the informant's side and in that background the role of the lady cannot be ignored.

Taking into account the fact that specific allegations



have been made against the accused persons of killing the family members of the informant and so far as this petitioner is concerned, the role of order giver has been to her, she is in custody since 12.08.2021, is 70 years old and the charge-sheet stands submitted, this Court is inclined to grant her privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chhabilapur P.S. Case No.79 of 2021 to the satisfaction of learned Sessions Judge, Nalanda at Biharsharif, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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