

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53307 of 2022

Arising Out of PS. Case No.-499 Year-2020 Thana- BANKA District- Banka

TAKDI DEVI @ TAKDHI DEVI WIFE OF SRI UMA MANJHI @ SRI
UMA YADAV R/O VILLAGE- BHADARIYA, P.S.- BANKA, DIST.-
BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Ms. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and Ms. Renu Kumari, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Banka P. S. Case No. 499 of 2020
registered for the offences punishable under Sections 341, 342,
302/34 of the Indian Penal Code and Section 7(c) of the
Protection from Lynching Act, 2017.

The prosecution case is based on *fardbayan* of the



informant alleging therein that he got an information that his son was being assaulted by Kishun Deo Yadav in his house after tying in pillar of Varandah. On getting the information, the informant reached at the place of occurrence and saw Kangress Yadav along with seven others assaulting his son, however, having seen the informant, accused persons threatened him and as such, informant fled away from the place of occurrence and informed the police but by the time the police reached at the place of occurrence his son had died.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R. it is evident that the specific allegation has been levelled against eight named accused persons and thereafter suspicion has been raised against the petitioner, who is wife of Uma Yadav. It is further submitted that save and except the suspicion that the petitioner was also involved in the lynching of the son of the informant, there is no material against her. It is next submitted that Kishun Deo Yadav against whom it is alleged that it was in his house, the son of the informant was being assaulted, he has been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 4757 of 2021 vide order dated 27.08.2021. it is further submitted that other co-accused person having similar allegation



have also been allowed the privilege of bail by different coordinate Benches of this Court. It is lastly submitted that the petitioner being a lady is in custody since 23.07.2022, having absolutely clean antecedent.

On the other hand, learned APP for the State opposes the bail application, however, she shown her inability to confront the fact that other co-accused persons have been allowed the privilege of bail.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of allegation and the materials available on record, apart from other co-accused persons have already been allowed the privilege of bail by learned coordinate Benches of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/Successor Court, Banka in connection with Banka P. S. Case No. 499 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.



- (ii) She will remain present on each and every date of trial till disposal of the case.
- (iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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