

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.66366 of 2021**

Arising Out of PS. Case No.-221 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Meena Devi W/O Jitendra Singh Resident Of Village - Kushmahi, P.S.-
Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s	:	Ms. Dr. Indihar Kumari, APP
For the Informant	:	Mr. Ravindra Kumar, Advocate

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

2 13-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard Mr. Ramakant Sharma, learned Senior Counsel assisted by Mr. Rakesh Bihari Singh, learned counsel for the petitioner, Mr. Ravindra Kumar, learned counsel for the informant and Dr. Indihar Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Udwant Nagar P.S. Case No. 221 of 2021 registered for the offences punishable under Sections 323, 341, 307, 302, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. She is in custody since 23.05.2021. The petitioner has no criminal antecedent.



Learned Senior Counsel for the petitioner has taken this Court through the written complaint giving rise to the First Information Report. According to the prosecution story, there was a land dispute with respect to a piece of Government land. The prosecution side wanted to convene a *panchayati* and asked father of the informant and cousin grandfather (deceased) to join the *panchayati* at the door of the informant. It is submitted that on the said date, a *shradh kram* of near relative of the deceased's side was going on, therefore, they did not give this *Panchayati* a priority.

It is then alleged that about 02:00 P.M., when all of them were returning and as soon as cousin grandfather of the informant, namely, Collector Singh reached there, the petitioner shouted "*aa gya sab maro*", on hearing this, the named accused persons from Sl. Nos. 2 to 7 surrounded Collector Singh and the informant. At this stage, it is alleged that Shiv Shankar Singh instigated the accused persons to fire whereupon the co-accused Jitendra Singh who was holding a gun in his hand fired on the face of Collector Singh who received injury and fell down. It is then alleged that when the informant and his father wanted to flee away



the co-accused Harendra Singh and Hareram Singh caught by throwing his towel (*gamcha*) and fired on the right side of the father of the informant as a result whereof he died on the spot. Collector Singh was brought to Sadar Hospital, Ara from where he was referred to Patna. Later on, he also died.

Learned Senior Counsel for the petitioner submits that the sole reason for implication of this petitioner who is a lady member of the family is that her husband had allegedly indulged in causing fatal injury to Collector Singh. It is pointed out that in the FIR itself it is specifically alleged by the informant that co-accused Shiv Shankar Singh had instigated to fire whereupon Jitendra Singh had fired from his gun.

It is then submitted that no overt act at all has been alleged against the petitioner and she has already remained in custody for almost one year, investigation against her is complete and if released on bail her presence may be secured in course of trial.

Mr. Ravindra Kumar, learned counsel for the informant and Dr. Indihar Kumari, learned APP for the State have opposed the prayer for bail of the petitioner. It has been argued before this Court that it is this petitioner who had



indicated to the accused persons that all have come and assault them. It is, however, not denied in course of submission that the specific allegation of instigation to fire has been made against co-accused Shiv Shankar Singh.

Having regard to the materials available on the record, no indication in the FIR that this petitioner was lashed with any weapon, no allegation that she had been involved otherwise in committing any overt act and that the petitioner has already remained in jail for almost one year, investigation against her is complete and her presence may also be secured in course of trial and further there being no submission on behalf of the State that her release is likely to result in interfering with the investigation or course of justice, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing 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, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No. 221 of 2021, subject to the conditions 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

