

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13788 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- DHAMDAHA District- Purnia

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Birma Devi @ Berma Devi @ Barema Devi Wife of Birendra Oraon R/v-
Bishanpur Sarguja, P.S.- Dhamdaha, District- Purnea (The name of hisband in
FIR as Mukesh Tuddu has wrongly been mentioned)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
20.08.2022 in connection with S. Tr. No. 499 of 2022 arising out
of Dhamdaha P.S. Case No. 205 of 2022, F.I.R. dated
05.08.2022 for the offences punishable under Sections 364, 341,
323, 324, 379, 504, 506/34 of the Indian Penal Code and
Section ¾ of the Prevention of Witchcraft Act and later on
Section 302 of the Indian Penal Code has been added.

According to prosecution case, this petitioner along



with other accused persons entered into the house of the informant and started beating her by calling her 'dayan'. It is further alleged that informant's sister was also assaulted by some sharp weapon due to which she got injuries and after that she is traceless.

Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that from perusal of the F.I.R it appears that there is no acquisition of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the informant is not the eye witness of the alleged occurrence and the informant was not present at the place of occurrence. He further submits that merely on the basis of suspicion, the petitioner and other accused persons have implicated in this present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Purnea in connection with S. Tr. No. 499 of 2022 arising out of Dhamdaha P.S. Case No. 205 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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