

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20114 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- BARARI District- Katihar

Lalita Devi W/O Late Sudama Thakur Resident of village-Mohna Chandpur,
P.S.-Barari, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Barari P.S. Case No. 403 of 2022 registered on 08.12.2022 for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 302, 201, 364, 389, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the FIR named co-accused persons who were variously armed asked for extortion money from the informant and others who were grazing their cattle in Bhawanipur Diyara for permitting their cattle to graze in that area. When the informant refused, the co-accused persons abducted the son of the informant, a co-villager and a person from nearby village, apart from 2-3 other persons. The co-



accused persons threatened the informant that if their extortion demand was not fulfilled, the abducted persons would be shot dead. Later on, the informant was informed by one Ramji Yadav that the dead-body of three persons were concealed in Kamalpur Diyara. The informant found the dead bodies of his son and co-villager Sonu Kumar Yadav and the resident of nearby village Lalu Kumar Yadav. The name of the petitioner transpired during investigation as being involved in the present case.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to village politics because she is *mukhiya* of the Panchayat. Bare perusal of FIR shows that the FIR has been instituted against 23 named co-accused persons and 10-15 unknown persons, but the petitioner is not named in the FIR as an accused and no allegation has been levelled against her. Though, the occurrence took place on 02.12.2022, but *fardbeyan* was given only on 07.12.2022. The name of the petitioner came in the picture during investigation when the Investigating Officer recorded the statements of some of the witnesses. From the FIR, it is also apparent that the matter relates to dominance over area between two gangs and petitioner being a lady has no concern with either side. Learned



counsel further submits that it is absurd that the petitioner has been made accused on saying of some of the witnesses who stated that when they went to meet the petitioner, she told him that they would also meet similar fate. On this basis, the prosecution has drawn inference that petitioner is involved in conspiracy with other co-accused persons. But there is no material against the petitioner to implicate her in this case. Learned counsel further submits that petitioner is an old lady aged about 65 years and she is the present *mukhiya* of her Panchayat. She is in custody since 25.12.2022 and charge sheet has been submitted. Petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail, however, he concedes that there is hardly any material except allegation of conspiracy.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation and lack of substantive material against this petitioner who is a lady, and further considering the clean antecedent of the petitioner along with her period of custody and the submission of charge-sheet against her, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Katihar/court concerned in connection with Barari P.S. Case No. 403 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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