

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38985 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- AGAMKUAN District- Patna

SHILA DEVI W/O LATE HARI NANDAN MAHTO R/O Mohalla- Rasida
Chak, Chhoti Pahari, P.S- Agamkuan, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

2. The petitioner apprehends her arrest in a case registered
for the offence punishable under Sections 302, 120-B, 34 of the
Indian Penal Code and 27 of Arms Act.

3. The prosecution case, in brief, is that, the petitioner and
other co-accused persons forcibly wanted to capture the land of
the informant and in this connection they unloaded sand on that
land and were also working with JCB. It is alleged that when the
brother of the informant objected for the same, he was
threatened for his life. Out of fear Rahul Kumar went to his
house and they filled the land. It is further alleged that on the
order of Balram Kumar, one Govind Kumar in conspiracy with
co-accused Raja, Jeevan, Sonu Kumar and Bhola Kumar



murdered the brother of informant. The accused persons fired several round upon him and as a result of which he got injured and later on died in the hospital.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. She has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is an old lady aged about 72 years and there is no specific overt act against her. There is no evidence of conspiracy on record against the petitioner. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the petitioner is a senior citizen and there is no specific overt act against her, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Agamkuan P.S. Case No.122 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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