

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69395 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- SARMERA District- Nalanda

Manti Devi, aged about 68 years (Female), W/o Late Balmiki Ram R/o Village- Purani Isua, P.S.- Sarmera, Distt- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur with Ms. Vaishnavi Singh,
Advocates

For the State : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sarmera P.S. Case No. 166 of 2022 registered for the offence punishable under Sections 147, 148, 149 and 302/34 of the Indian Penal Code (*for brevity 'IPC'*) and Section 27 of the Arms Act.

The First Information Report (*for brevity 'FIR'*) alleges indiscriminate assault by 13 named accused persons, including the petitioner and it is alleged that they were all possessing firearms. Informant's mother has been shot at by co- accused, namely, Dablu Ram, as per allegation made in the FIR.

The learned counsel for the petitioner submits that the allegations are totally incoherent and appear to be highly improbable. There is no motive assigned for the prosecution case against 13 persons, including the petitioner. The petitioner is an elderly lady aged about 68 years and by virtue of being



member of the family of other co-accused, having no antecedent she has been implicated in this case and she is in custody since 27/06/2022. Investigation is complete. The material collected in the course of investigation does not support the prosecution case which is evident from the order of rejection passed by learned Sessions Judge, Nalanda, Bihar Sharif, wherein, several paragraphs of the case diary has been discussed.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of accusations material collected in the course of investigation as per order of the learned Sessions Judge, the fact of petitioner being a female and her custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif, in connection with Sarmera P.S. Case No. 166 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii)That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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