

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71289 of 2022

Arising Out of PS. Case No.-362 Year-2022 Thana- JAKKANPUR District- Patna

Rinku Devi, Wife Of Shankar Saw R/O Village- Mahngupur, P.S.-
Bishunganj, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Choudhary

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-02-2023 This case is listed for hearing out of turn on account of mentioning that the minor son of the petitioner is physically challenged and he requires physiotherapy regularly.

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

The petitioner seeks bail in connection with Jakkanpur P. S. Case No. 362 of 2022, registered for the offences punishable under Sections 341, 323, 504, 307 and 34 of the Indian Penal Code.

The prosecution story as emerges from the FIR is that on 18.07.2022 at about 10.00 A.M., a scuffle took



place between the petitioner and the mother of the informant for dues amount of Rs. 50,000/-. It is further alleged that on the same day at about 10.15 P.M., petitioner along with her associates again came to the house of the informant and started abusing them and when the informant made objection, the maternal cousin, Golu Kumar, on the order of his mother, the accused-petitioner herein, opened fire at the informant, due to which he sustained injury in his jaw.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation of causing firearm injury to the victim is against one co-accused, Golu Kumar and not against this lady petitioner. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 19.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.



It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., 1st, Patna, in connection with Jakkanpur P. S. Case No. 362 of 2022 on the following conditions:

(i) The petitioner will make herself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of her absence or non-cooperation. He must be available to the police or the court whenever her presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed her criminal antecedents despite her knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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