

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52325 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BIRAUL District- Darbhanga

Paviya Devi @ Pabiya Devi, aged about 54 years, Female, W/O- Baidhnath Mukhiya @ Baijnath Mukhiya @ Baidya Nath Mukhiya, Resident of Vill-Haati, P.S.- Biraul, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisu Zzoha, Advocate

For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending her arrest in connection with Biraul P.S. Case No. 130 of 2024 dated 27.03.2024 registered for the offences punishable under Sections 147, 148, 149, 120B, 186, 188, 341, 342, 323, 324, 325, 332, 333, 353, 307,337, 354(B), 504 and 506 of the I.P.C.

3. As per the prosecution case, the informant got an information that a motorcycle was coming rashly and negligently from K. Asthan side and dashed with Tempo. At the same time, a prisoner's van was coming from the opposite side due to which, one person came under the said van and died on the spot. The co-accused Shashi Kant Jha and Dharmendra



Singh @ Munna Singh are alleged to have instigated the 100-200 persons to enter the police station premises with intent to commit incident and about 50 people entered the police station premises and threw the chairs and government documents outside the police station and some people were holding inflammable substance in their hands and sound was come from the crowd to burn the police station. The petitioner and the co-accused persons were identified through the video footage with the help of *Mahal Chaukidar*. The petitioner is alleged to have abused, attacked on the police party and also assaulted them with lathi and danda causing hindrance in discharging duties of public servant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no specific allegation of overt act against the petitioner. There is general and omnibus allegation against her of blowing lathi, danda and pelting bricks. She was only a member of mob. It is submitted that after death of Balram Paswan (deceased), a separate Biraul P.S. Case No. 129 of 2024 was lodged and the petitioner has no concern with that case. She has no concern with the deceased Balram Paswan and she also does not belong to the caste of the deceased. She



was not present on the alleged date, time and the place of occurrence. No incriminating article has been recovered from her possession. The other co-accused person Pinku Mandal has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 55429 of 2024 under order dated 29.08.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Biraul at Darbhanga, in connection with Biraul P.S. Case No. 130 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

