

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81557 of 2023

Arising Out of PS. Case No.-334 Year-2018 Thana- MUNGER MUFFASIL District- Munger

CHANDRAWATI DEVI W/O PURUSHOTTAM LAL RAJAK R/O
VILLAGE- PANCHSHEEL NAGAR, P.S- GORAKHPUR, DISTT.-
JABALPUR (MADHYA PRADESH).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 10-05-2024 Heard learned counsel appearing on behalf

of the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Muffasil P.S. Case No. 334 of 2018 registered for the

offences under Sections 121, 379, 414 120B/34 of the

Indian Penal Code, Sections 25(1-A), 25(1-AA), 25(1-

B)a/26/35 of the Arms Act and Section 39 of the U.A.P.

Act.

3. The petitioner is not named in the F.I.R. and

is in custody since 17.11.2018.



4. The allegation against the petitioner is to have in possession of prohibited firearm like AK-47 alongwith other co-accused persons and also engaged in illegal activities like sell and purchase of prohibited firearms.

5. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced in the present case out of confessional statement made by husband of petitioner, namely, Purushottam Lal Rajak while apprehending in Jamalpur P.S. Case No. 258 of 2018. It is submitted that save and except suspicion as arises out of confessional statement nothing incriminating surfaced against this petitioner as to connect her with the present case and as such rigorous provisions of Section 39 of U.A.P. Act not appears applicable in the present case. It is further submitted that similarly situated co-accused person, namely Pawan Mandal, having 30 criminal antecedents has granted bail by learned Co-ordinate Bench of this Court through Cr.



Misc. No. 46336 of 2019 vide order dated 30.09.2019.

While concluding the argument it is submitted that petitioner found involved in seven more cases of similar nature on the basis of confessional statement, where she is on bail in six cases, where investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except confessional statement, *prima facie*, no incriminating material recovered/surfaced as to connect petitioner with the present case and also to involve in illegal trading of prohibited firearms, coupled with the fact petitioner is in custody since 17.11.2018, who is a lady, accordingly, petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 334 of



2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 3rd, Munger/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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