

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85250 of 2023

Arising Out of PS. Case No.-397 Year-2022 Thana- BARARI District- Katihar

Lalita Devi, wife of Late Sudama Thakur, Village- Mohna Chandpur, Ps-
Barari Dist- katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeeb Kumar Sanju, Advocate

For the Opposite Party/s : Mr. Madan Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-01-2024 Heard Mr. Sunil Kumar, learned counsel appearing on
behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Barari P.S. Case No. 397 of 2022, registered for the
offences punishable under Sections 147, 148, 149, 341, 384,
386, 302, 120(B) of the Indian Penal Code and 27 of the Arms
Act.

3. The F.I.R. is based upon the written report of the
informant, alleging therein that all the F.I.R. named accused
persons, variously armed, asked for extortion money from the
informant and others, who were grazing their cattle in
Bhawanipur Diyara for permitting their cattle to graze in that
area. When the informant refused to give any extortion, co-



accused Suman Kumar made exhortation, whereupon, Mohan Kumar Thakur fired upon Arbind Yadav over his stomach due to which he sustained firearm injury, thereafter co-accused Awdesb Yadav also fired another bullet on his shoulder, leading to his death spontaneously. It is further alleged that the son of the informant, who was also present there, anyhow saved his life by fleeing away from the place.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, however, only she being Mukhiya of Gram Panchayat Raj, Semepur and the mother of Mohan Thakur, her name has been implicated in this case at the instance of persons, having enemical term. He further submits that on account of one and same occurrence, two F.I.Rs. have been instituted, one being present case and another Barari P.S. Case no. 403 of 2023, wherein the petitioner was apprehended and taken to custody. However, subsequently she has been granted bail by learned Co-ordinate Bench of this Court in Criminal Misc. Case No. 20114 of 2023 vide order dated 17.05.2023. He further submits that even during the course of investigation no cogent material has come except one of the witnesses has stated that when he approached before the petitioner, she has threatened the



informant and others with dire consequences and said that you will also meet with same consequences.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that during the investigation materials have come suggesting the complicity of the petitioner, that apart earlier she has also threatened the informant with dire consequences and, as such, her complicity cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that with regard to same occurrence two F.I.Rs. have been instituted where in connection with one case, the petitioner was apprehended and later on granted bail, moreover, the petitioner is not named in the FIR and even as per the narratives made in the F.I.R. the specific allegation has been leveled against co-accused Mohan Thakur and Awdesh Yadav, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.25,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Katihar in connection with Barari



P.S. Case No. 397 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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