

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13422 of 2025

Arising Out of PS. Case No.-766 Year-2024 Thana- GAYA MUFASIL District- Gaya

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Asha Devi @ Aasha Devi Wife of Raja Manjhi Resident of Village - Manpur,
Pahartalli, Sarbara Nagar, Police Station - Gaya Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Gaya
Mufassil P.S. Case No. 766 of 2024 instituted for the offences
under Sections 310(2), 311, 132, 121(2) and 221 of the B.N.S.
Act, 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, on receiving
information that some miscreants were involved in looting and
snatching with train passengers and assaulting them, a raid was
conducted. 10-12 miscreants were seen by the police party. Each
of them were carrying a small country made pistol in their



hands. They assaulted the informant with butt of the pistol, fists and slaps and in retaliation the police party fired 3 rounds upon the miscreants. Then all the accused persons fled away.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. She is not named in the FIR. There is no evidence which would show that whether the petitioner was present on the spot at the time of snatching and assaulting the police personnel. Nothing has been recovered from the possession of the petitioner. The name of the petitioner has transpired in the confessional statement of co-accused. It is lastly submitted that the petitioner has got no criminal antecedent and is in custody since 10.09.2024.

5. It has been stated at the bar that some house hold items have been recovered from the house of the petitioner. The only allegation against the petitioner is of keeping looted materials/articles with the railways passengers in her house.

6. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

7. Taking the same into consideration and the fact that the petitioner is in custody since 10.09.2024, let the petitioner above named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Gaya in connection with Gaya Mufassil P.S. Case No. 766 of 2024.

8. During the course of argument, it was observed that in the impugned order dated 27.01.2025, the learned Court below in paragraph 1 has referred Gaya Mufassil P.S. Case No. 766 of 2024 registered for the offences under Sections 103 and 3(5) of the BNS Act, while from perusal of the FIR, it is evident that the FIR was registered for the offences Sections 310(2), 311, 132, 121(2) of the B.N.S, Act and Section 27 of the Arms Act.

9. The learned Court below is directed to verify the same and if it is found that the sections are mismatched and mistake has been committed inadvertently, the same should be rectified also and a report may be sent to this Court in order to prove that it was a mistake which was committed by the learned Court below.

(Sourendra Pandey, J)

Prakash/-

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