

(2021) 06 PAT CK 0040

Patna High Court

Case No: Criminal Miscellaneous No. 23657 Of 2021

Mila Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: June 14, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 302, 307
- Code Of Criminal Procedure, 1973 - Section 438(2)
- Arms Act, 1959 - Section 27

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ranjan Kumar Jha, Md. Arif

Final Decision: Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 10.06.2021, which was allowed.
3. Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
4. The petitioner apprehends arrest in connection with Ismailpur PS Case No. 82 of 2020 dated 31.10.2020, instituted under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and 27 of the Arms Act, 1959.
5. The allegation against the petitioner is that she, along with two others, had come to the spot where her husband, son and another person had

assaulted the informant, her father and her mother leading to the death of the father of the informant and bullet injury to the mother of the informant and also to the informant.

6. Learned counsel for the petitioner submitted that just because her husband and son have been made accused and specific overt acts have been attributed to them, the petitioner has also been implicated, though totally without any basis. It was submitted that even if the allegation is accepted at its face value, the only allegation is that she along with two other persons was also present at the spot when the incident had occurred. Learned counsel submitted that the petitioner, besides being a lady, has no criminal antecedent.

7. Learned APP submitted that the husband and son of the informant had fired leading to death of the father of the informant. However, it was not controverted that, as per the prosecution story, the petitioner was only present at the time of incident.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Naugachia, Bhagalpur, in Ismailpur PS Case No. 82 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate with the Court and police/prosecution. Failure to cooperate shall lead to cancellation of her bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the aforementioned terms.