

Madhepura

B.P.-1186/2022

(Arising out of Madhepura P.S. Case No. 381/22)

Shyampari Devi, w/o Sitaram Paswan, r/o- village- ward no. 25,
P.S. & District-Madhepura.....Petitioner

Vs.

State of BiharO.P.

22/10/22

A regular bail petition filed on behalf of accused petitioner namely, Shyampari Devi, who is in custody since 22/06/2022 in connection with Madhepura P.S. Case No. 381/22 u/s 448, 341, 323, 385, 384, 506, 34 of IPC, has been pressed today for hearing.

Heard Sri Rana Kumar, learned lawyer for the petitioner and Sri Indrakant Chowdhary, learned P.P. for the state.

The prosecution's case as per the informant Veena Devi, who is a 66 years old woman, is that on 07/04/22 in between 9.15 A.M. to 9:21 A.M. two unknown miscreant, having arms in their hand, came to her hotel and went towards the room of her son Sumit Shrivastava but since at that time her son was at Sadar P.S., so not finding him there they asked the informant that where is the owner of the hotel. When the informant asked them the purpose then they told that the hotel owner has taken Rs. 5-6 lakhs on credit from them and when the informant replied that her son cannot take money from anyone then one of the criminal tried to take out his weapon. Then the informant came out of the kitchen and seeing her both the criminals fled away and reached to the main road. The informant rushed on the third floor and look at the main road and saw that both these miscreants sat in auto and fled towards Kapuri Chowk. The informant also saw that Seema Kumari was standing on the other side of the main road as liner and she also fled away by catching a battery rickshaw. It is stated that whenever the informant goes to or comes from her hotel then Seema Kumari meets her and asked Rs. 5 lakhs otherwise threaten to face the consequence. It is stated that one Shyam Pari also accompanies Seema Kumari and she also used to threaten the informant. It is stated that Seema Kumari worked as maid in informant's hotel but she was fired in 2020 due to her bad character. It is stated that a Sanha has also been filed against Seema Kumari in Sadar P.S. as well as Mahila P.S.

The learned counsel for the petitioner has submitted that she is quite innocent and has not committed any offence and she has been falsely implicated in this case. It is further submitted that as per the FIR the petitioner was not seen by the informant on the date of occurrence. No witness has taken the name of the petitioner and she is in custody since 22/06/22. The charge-sheet has already been submitted in the case. It is further

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submitted that the petitioner is ready to furnish the bail bond to the satisfaction of the court. As such, it is prayed that the petitioner be enlarged on bail.

The learned PP Sri Indra Kant Chaudhary vehemently opposed the bail petition and prayed to reject the same.

Heard and perused the FIR and case diary. It appears that the petitioner was neither present at the place of occurrence nor she was seen by the informant with any of the co-accused persons at the date and time of alleged occurrence. It appears that there is no material available in the case diary regarding petitioner's connection with the two miscreants who went into informant's hotel. The only allegation against the petitioner is that when the co-accused Sima Kumari threatened the informant then she also gave threatening to the informant. Though the petitioner has criminal history of one case under the provisions of Excise Act but it also appears that the petitioner has been implicated in this case merely on suspicion and there is no material against her in the whole case diary. It further appears that the investigation against the petitioner is complete and the charge-sheet has already been submitted against her. It further appears that the co-accused Sima Kumari has already been enlarged on regular bail by this Court by order dated 06/09/22 passed in BP No. 955/22 and the case of the petitioner rests on lesser footing. Moreover, the petitioner is in custody since 22/06/22 i.e. for four months.

So, considering the above facts and circumstances, the nature of allegation against the petitioner and the period undergone by her in custody, the prayer for bail is **Allowed** and the petitioner Shyampari Devi is directed to be released on bail on his furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned court below

Dictated

Nishi Kant Thakur
22/10/22(Nishi Kant Thakur)
Additional Sessions Judge-III
Madhepura