

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51376 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -MAIRWA District- SIWAN

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Shanti Devi @ Gyanti Devi Wife of Barejee Chauhan Resident of village -
Laxmipur, Police Station Mairwa, District - Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner is languishing in judicial custody
since 16.09.2016 in connection with Mairwa P.S. Case No.
71 of 2016 registered for the offence punishable under
Sections 341, 323, 302, 504/34 of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that her husband, Shambhu Chauhan was
plucking mangoes, which was objected by Dhananjay
Chauhan and his family members, including the petitioner,
upon which Dhananjay Chauhan picked up a wooden log
and hit on the head of her husband, as a result of which he
died.



It has been submitted by the learned counsel for the petitioner that petitioner is innocent, has no criminal history and there is no allegation against the petitioner, except, of abusing. It has further been submitted that the postmortem report also specifies only one injury caused on the head, which has been attributed to another co-accused, Dhananjay Chauhan.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the submission of the parties, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VII, Siwan in connection with Mairwa P.S. Case No. 71 of 2016, subject to the condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the concerned police station and will appear before the police/ Court as and when required and will not tamper with the prosecution evidence.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

Arjun/-

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