

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49890 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana -CHAND District- BHABHUA (KAIMUR)

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Leelawati Devi, w/o Rama Shanker Sah, r/o vill & PS- Chand, Dist- Kaimur
at Bhabhua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg
For the State : Mr. Sri Ajay Kumar -2
For O.P. no. 2 : Mr. Brajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-10-2017

Heard the learned counsel for the petitioner.

The petitioner seeks regular bail in connection with Chand PS case no. 125 of 2017 registered for the offences punishable under Section 324, 307 and other sections of Indian Penal Code and 27 of Arms Act.

The case of the prosecution is that one Rama Shanker Sah and Anup Kumar Gupta as well as the petitioner herein had come to the house of the informant and engaged in assault and abuse to the informant side. The allegation against the other two accused persons is of firing gun shot causing injury to the son of the informant resulting in his death however, as far as the petitioner is concerned, the allegation pertains to inflicting iron *rama* blow on the head of the informant as well as inflicting blow



on the wife of the informant.

The learned counsel for the petitioner submits that the injuries attributable to the petitioner herein are simple in nature which would be evident from the injury report and the supplementary injury report. It is further submitted that the petitioner is a simple lady and her presence at the place of occurrence is also doubtful. Nonetheless, the fact is that the main assailants are the husband and son of the petitioner, for whom, the petitioner is not vouching at the moment. It is further submitted that the present occurrence has led to a case and counter case in which, the accused of the present case Ramashanker Sah has been injured.

Per contra, the learned counsel for the informant submits that the son of the informant has died hence, the entire incident is serious in nature. As such, the petitioner herein should not be released on bail since the entire investigation of the case would be prejudiced.

In the facts and circumstances of the case considering the fact that the petitioner herein is not the main assailant and injuries attributable to her are simple in nature, I deem it fit and appropriate to enlarge the petitioner on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with



two sureties of the like amount each to the satisfaction of learned Addl. District Judge-1st, Bhabua at Kaimur in connection with Chand PS case no. 125 of 2017.

It is further directed that the petitioner will cooperate in the investigation being conducted by the police and if she does not cooperate then the person aggrieved can move for the purposes of cancellation of bail bonds. It is further directed that the petitioner would appear on each and every date before the learned trial court and in case of two consecutive defaults in appearance before the learned trial court, the privilege of regular bail would automatically stand withdrawn and the petitioner would be taken into custody forthwith.

With these observations, this bail application is disposed of.

(Mohit Kumar Shah, J.)

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