

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44785 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -MADHEPURA District- MADHEPURA

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1. Bhupiya Devi, Wife of Late Baleshwar Rishideo, Resident of Village-
Gamhariya, P.s.-Madhepura (Bharrahi O.P.), District Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.05.2017 in connection with Madhepura (Bharrahi O.P.) P.S.
Case No. 222/16 for offences punishable under Section 302 and
other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that there was some land dispute between the parties and the
petitioner along with five others named in the First Information
Report along with 3-4 unknown assaulted his father, while two of
the co-accused pressed his testicles. The petitioner had assaulted
the informant's father, who being brought to the hospital was
declared dead.



It has been submitted by the learned counsel for the petitioner that she is innocent, bears no criminal history and only general and omnibus allegations have been levelled against her. He submits that present occurrence was because of land dispute, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that two of the co-accused, who had pressed the testicles of the deceased, have been granted privilege of bail by co-ordinate Bench of this Court in Cr. Misc. No. 36982 of 2016 on 05.09.2016, the deceased was himself a heart patient and the postmortem report does not specify any external or internal injury.

However, learned APP for the State opposes the prayer for bail stating therein that the viscera has been preserved.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 222/2016, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating their relationship with the petitioner.

- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of her bail bonds.

(Nilu Agrawal, J)

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