

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4657 of 2020

Arising Out of PS. Case No.-274 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

ANITA DEVI Wife of Bhola Yadav Resident of Village - Sagobar, P.S.-
Nardiganj, Distt.- Nawada. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar
Mr. Kumar Rakesh Chandra
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 12-10-2020 Heard Mr. Vibhakar Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Chandra Bhushan
Prasad, learned Additional Public Prosecutor, for the State of
Bihar.

This application for grant of regular bail arises out of
Mufassil P.S. Case No. 274 of 2019, registered for the offence
punishable under Sections 324, 302, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

The petitioner is wife of One Bhola Yadav. The
deceased is full brother of Bhola Yadav. The maternal
grandfather of the deceased is the informant, who has alleged
that as directed by one Gyatri Devi to kill the deceased, Vikas
Kumar, Ajay Kumar and Nitish Kumar shot at the deceased,
whereafter he died instantaneously. It is alleged against the
petitioner that he asked the accused Vikas Kumar to confirm



whether the deceased had died or not.

It is evident from the F.I.R. and the case diary, which has been received, that dispute in relation to respective share in the joint family property is the reason behind the alleged occurrence and implication of the accused persons. The petitioner's husband is said to have killed his mother in 2017.

Be that as it may, there is no allegation against this petitioner of having made any assault and the fact that though there is allegation of firing against three persons, leading to the death of the deceased and, since only one entry and one exit wound has been found in the postmortem report, in my opinion, a case for grant of regular bail is made out. The petitioner is in custody since 14.09.2020 and it is not in dispute that the police, upon completion of investigation, have submitted charge-sheet.

Considering the above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, in Mufassil P.S. Case No. 274 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.



Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

