

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23807 of 2020

Arising Out of PS. Case No.-60 Year-2020 Thana- SARAI District- Vaishali

1. GURIYA DEVI @ GUDIYA DEVI @ GURIYA KUMARI @ SADHNA TIWARI D/o Haridwar Mishra Resident of Village- Akhtiyarpur Patedha Ward No.03, P.S.- Sarai, Distt- Vaishali.
2. Chhoti Kumari D/o Subhash Mishra Resident of Village- Akhtiyarpur Patedha Ward No.03, P.S.- Sarai, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-09-2020 Heard Mr. Rajesh Kumar, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Sarai P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 120(B) of the Indian Penal Code 1860.

The allegation against the petitioners as per the First Information Report lodged by the Informant Vibha Devi is that on 16.03.2020 when her daughter Deepa Kumari aged about 16 years was going to attend tuition classes, co-accused Sudhanshu



Mishra aged about 18 years misbehaved with her daughter and about 8 o'clock on the same date when the daughter of the informant returned back the co-accused persons namely, Sudhanshu Mishra and Subhash Mishra arrived at the house of the informant and threatened her daughter. It has further been alleged that when the informant objected to the behaviour of the accused persons, the co-accused Subhash Mishra assaulted the informant with Bamboo stick and further 11 accused persons including the petitioners came at the door of the informant with lathi, danda and other weapons in their hands. It has further been alleged that co-accused Pintu Mishra assaulted the daughter of the informant namely, Deepa Kumari by means of Dabia on her head due to which she fell down and ultimately died. The other accused persons including the petitioners assaulted the informant, her second daughter namely, Priya Kumari and her son Gulshan Kumar repeatedly.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. Learned counsel further submits that from perusal of the First Information Report, it would be evident that there is general and omnibus allegation of assault against 11 accused persons except specific allegation of assault on the daughter of



the informant namely, Deepa Kumari, is against Pintu Mishra. Learned counsel referring to Annexure-2 series submits that no external injury has been found on the person of the informant and the injury found on the second daughter of the informant namely, Priya Kumari is simple in nature caused by hard and blunt substance. Learned counsel also submits that both the parties are co-villagers and *Gotia* and there was dispute relating to misbehaviour of co-accused persons with the daughter of the informant. Learned counsel also submits that petitioner No. 1 is married daughter of the family and petitioner No. 2 is student studying in Intermediate course. The petitioners have got no criminal antecedent and they are in custody since 17.03.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and also the fact that the allegation against the petitioners are general and omnibus and they are lady members of the family, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur, in connection with Sarai



P.S. Case No. 60 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

S.Ali/-

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

