

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13571 of 2021**

Arising Out of PS. Case No.-470 Year-2020 Thana- SIWAN CITY District- Siwan

SANJOLI KUMARI, D/o Shankar Prasad, Resident of Mohalla- Telahatta Bazar, Ward No.31, P.S.- Siwan Town, Distt- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Siwan Town P.S. Case No. 470 of 2020 registered for the offence punishable under Sections 341/323/302/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that there was partition between the agnates but both side resided in the same house having common courtyard. On 20.10.2020 when the mother of the informant had gone to

worship, his agnates came and started assaulting his mother. Thereafter, the informant and his family members came there for saving his mother but they were also assaulted and due which informant got injured in his knees. In the meantime, co-accused Rahul Kumar assaulted his mother by brick due to which her head got ruptured and became senseless and fell down. Thereafter, she was brought in injured condition to the hospital but she succumbed to the injury.

Learned counsel for the petitioner submits that the petitioner and the informant side are co-sharers and from the allegations it appears that they had certain disputes over partition of the properties. The specific allegation of causing the fatal assault is against co-accused Rahul Kumar. Learned counsel submits that she is said to be an unmarried girl and has been brought in this case on the general and omnibus allegations. Petitioner has remained in custody since 20.10.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner and the informant side are co-sharers and from the allegations it appears that they had certain disputes

over partition of the properties, the specific allegation of causing the fatal assault is against co-accused Rahul Kumar, so far as this petitioner is concerned, she is said to be an unmarried girl and has been brought in this case on the general and omnibus allegations, she has remained in custody since 20.10.2020, investigation against her is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 470 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.