

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27127 of 2021

Arising Out of PS. Case No.-127 Year-2020 Thana- JAMALPUR District- Munger

1. MALA DEVI Wife of Santosh Kumar Resident of Village- Naya Tola Phulka, P.S.- Jamalpur, District- Munger.
2. Savita Devi Wife of Nitish Kumar Resident of Village- Naya Tola Phulka, P.S.- Jamalpur, District- Munger.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Prashant Sinha, Advocate
For the State	:	Mr. APP.
For the Informant	:	Mr. Santosh Kumar Sinha No. 2, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-07-2021 Heard the parties in virtual court proceeding.

Let the defect(s) be removed within four weeks of start of the physical court.

The petitioners are languishing in custody for the offences punishable under Sections 302, 120(B)/34 of the I.P.C.

Petitioner no. 1 Mala Devi is wife of co-accused Santosh Kumar @ Lala Yadav and petitioner no. 2 Savita Devi is wife of co-accused Nitish Kumar. There is general and omnibus allegation against all that they bitterly assaulted with rod, sticks etc. to the brother of the informant after dragging him from the house as a result of which brother of the informant died. The impugned order reveals that land dispute was reason



for the alleged occurrence. The doctor has found three incised wounds on the person of the deceased which is inconsistent with the prosecution allegation of commission of assault by iron rod and sticks. Moreover, the aforesaid inconsistent injury report makes the presence of the informant at the time of occurrence doubtful. One of the petitioner has a baby in her lap. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail on the ground of nature of allegation against all of commission of brutal murder.

Considering the entire facts aforesaid specially no specific allegation against the petitioners, who are female, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Jamalpur P.S. Case No. 127 of 2020 (G.R. No. 2071 of 2020), with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the petitioners.

(c) The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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