

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28232 of 2021

Arising Out of PS. Case No.-219 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

PHULA DEVI @ PHULIA DEVI @ PHULWA DEVI W/o Harihar Sahani
Resident of Village - Math Masauli, P.S.- Tariyani Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Tariyani P.S. Case No. 219 of 2019 registered under Sections 120B and 302 of the Indian Penal Code.

By the time the petitioner's prayer for anticipatory bail was allowed she came to be arrested. It is under this circumstance this court had rejected the petitioner's prayer for bail on the last occasion vide order dated 13.11.2020 in Cr. Misc. No. 29098 of 2020 with liberty as follows:



“Having considered the aforesaid submission and in view of the prayer made by the petitioner’s counsel, this Court would only observe that the prayer of the petitioner is now required to be considered on its merits without being prejudiced by the withdrawal of the instant bail application for the aforesaid reason, since this Court has not expressed any opinion on the merits of the prayer for bail.”

Thereafter, petitioner’s prayer for bail has been rejected on 16.12.2020 by the court of District and Sessions Judge, Sheohar.

Informant has alleged that his son was taken away by one Nawab Thakur on the pretext of taking a stroll but did not return. Next day, he came to know that his son’s dead body was found near the house of one Prem Sahini. It is alleged that one week back, some dispute had arisen between deceased and Prem Sahini. The instant petitioner is a family member of Prem Sahini.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in this case because she is a family member of Prem Sahini. The submission is that petitioner is an old lady and has no criminal antecedent. It is further submitted that the son of the informant was a notorious criminal and was accused in four criminal



cases, as has been mentioned in paragraph no. 9 of the petition. It is further submitted that husband of the petitioner, namely, Harihar Sahani had earlier filed a complaint case against the informant and his family members.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and petitioner was a liner means circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner was a liner means petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Sheohar in Tariyani P.S. Case No. 219 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two



consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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