

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3664 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- SANDESH District- Bhojpur

-
1. Nikki Devi, aged about 37 years, female, W/o Manjay Singh
 2. Pinki Devi, aged about 35 years, female, W/o Vijay Singh
- Both are R/o village- Surungapur, P.S.- Sandesh, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Adv.
For the Informant	:	Mr. Nihar Nandan Ambastha, Adv.
For the State	:	Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-10-2021 Heard Mr. Uday Kumar, the learned Advocate for the petitioners and Mr. Nihar Nandan Ambastha, the learned counsel for the informant. The State is represented by Md. Mustaque Alam, the learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Sandesh P.S. Case No. 141 of 2020, dated 01.05.2020, instituted for the offences under



Sections 147, 148, 149, 324, 325, 307, 302 and 120-B of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioners is of exhorting and resorting to firing as a result of which one person died.

It has been submitted on behalf of the petitioners that the accusation of firing is on other accused persons. Only in the last part of the subject F.I.R., it has been alleged that the informant saw the petitioners also opening firing. It has not been ascertained, it has been argued, whether the firing resorted to by the petitioners resulted into either injury to any one or death of the deceased. The *post-mortem* report of the deceased reveals that the deceased received two wounds of entry and exit which were communicative to each other. Thus, the petitioners cannot be said to be the assailants of the deceased.

Considering this aspect of the matter and looking at the gender of the petitioners and the fact that most of the family members of the petitioners have been made accused in this case, the petitioners were granted provisional bail



vide order dated 07.09.2021 and the case diary was called for.

There is nothing in the police papers to indicate anything otherwise.

It has also been submitted on behalf of the petitioners that the other accused persons of this case, who are specifically alleged to have fired at the deceased, have been released on regular bail by this Court.

Considering the facts afore-noted, the provisional bail granted to the petitioners *vide* order dated 07.09.2021 is, hereby, confirmed. They shall remain on the same bail-bonds.

This application stands disposed of accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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

