

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6607 of 2022

Arising Out of PS. Case No.-552 Year-2021 Thana- SHEKHPURA District- Sheikhpura

1. KARI DEVI WIFE OF DEBU YADAV R/O VILLAGE- PATHLAFAD, P.S. AND DISTRICT- SHEIKHPURA
2. DHANMANTI DEVI WIFE OF GANGAL YADAV R/O VILLAGE- PATHLAFAD, P.S. AND DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-07-2022 Supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on record.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Sheikhpura P.S. Case No. 552 of 2021 registered for the offences punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, there was dues of Rs. 13,000/- of the informant against co-accused Debu Yadav and



on 27.10.2021 petitioner and others armed with weapon came at the door of informant and started abusing. The accused persons also started firing by pistol and rifle due to which Nandan Kumar and Sonu Kumar sustained bullet injury who were sent to hospital. It is further submitted that after sometime accused persons again attacked upon the informant and when Parbhu Yadav father of informant came to rescue, co-accused Debu Yadav made firing from his rifle which hit on the chest of informant's father resulting into his death.

Learned counsel for the petitioners submits that petitioner no. 1 is in jail custody since 28.10.2021 and petitioner no. 2 is in jail custody since 01.11.2021. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioners are ladies and they have been implicated in this case as a member of mob only. There is no specific allegation against the petitioners rather the specific allegation of firing is against co-accused Debu Yadav. Petitioners are not the assailant of the deceased. There are 13 accused persons named in the FIR including the petitioners. So far as specific allegation is concerned, there is no specific accusation against the present petitioners and the injured Sonu



Yadav and Nandan Yadav sustained simple injury caused by firearm which is on the non vital part of the body. There is no specific allegation attributed to the present petitioners in the light of averments made in the FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners and petitioners are ladies and no specific allegation attributed towards the present petitioners, postmortem report indicates one firearm injury upon the dead body of the deceased, charge sheet has been submitted and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 552 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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