

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8160 of 2022

Arising Out of PS. Case No.-88 Year-2021 Thana- SARMERA District- Nalanda

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Guleshwari Devi @ Gulariys Devi @ Gulesiya Devi W/O Triloki Yadav
Resident Of Village - Isua Beldariya, P.S.- Sarmera, Distt.- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Syed
Mojibur Rahman, learned APP for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Sarmera P.S. Case No. 88 of 2021 registered for
the offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act. She is in custody since
29.11.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that as per
the prosecution story, on 04.05.2021 at about 08:00 P.M. when the
informant's brother, his wife and his mother were returning from
Bathan to their house for dinner and he was following them, the



accused persons encircled his brother Dinesh Yadav and started assaulting him, in the meantime, Neeraj Kumar fired shot by rifle upon Dinesh Yadav on the order of co-accused Triloki Yadav as a result of which his brother fell down and died there. It is also alleged that this petitioner was monitoring from the roof and when the brother of the informant came there she told the accused persons about that.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that she is a lady member of the family and there is no allegation of any overt act against her. The petitioner has remained in custody since 29.11.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the uncontroverted submission on behalf of the petitioner who is a lady member of the family that in the first information report even though she has been made accused but no overt act has been alleged against her, the specific allegation is against Triloki Yadav who had instigated and on his instigation the co-accused Neeraj Kumar who was holding a rifle in his hand had fired upon the brother of the informant as a result whereof he fell down and died, so far as this petitioner is concerned, she has been falsely implicated in this case because she



happens to be the wife of Triloki Yadav, she has no criminal antecedent and has remained in custody in connection with this case since 29.11.2021, investigation against her is complete and her presence may also be secured in course of trial, thus, this Court directs release of the petitioner above named on bail on furnishing of 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, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 88 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

