

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8523 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- DARIHAT District- Rohtas

Gayitri Devi, Wife Of Sri Ajay Singh R/O Village- Khudraon, P.S.- Darihat,
District- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madhav Krishna
For the Opposite Party/s :	Mr. Yogendra Kumar Singh
	Mr. Sanjeet Kumar Singh
	Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State through video
conferencing.

The petitioner seeks bail in anticipation of her arrest in a
case registered for the offences punishable under Section 302/ 34of
the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a woman and the
informant alleges that on 13.07.2021 at about 6.00 P.M. when
informant's husband and sons were at home, her *Pattidar* and three
accused started ploughing her disputed land and when her husband
and sons objected, all three accused started abusing and assaulting
him and her sons with kicks, fists, sticks and lathi. It is next alleged
that when informant's younger son intervened, then the accused



further assaulted the victims with sword. It is further alleged that Sonal Singh assaulted informant's son Dipak Singh with rod causing injury on his neck, mouth, ear, head and chest and he fell unconscious. Thereafter, Aman Singh assaulted informant's son Rakesh Singh with sword causing injury on his head, face, neck and hands and he also fell unconscious and thereafter, Ajay Singh assaulted informant's husband with sword on neck causing injury and he became unconscious. Thereafter, it is alleged that this petitioner came with spear and said, no victims should be left alive. Further, the injured were taken to the hospital.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence took place on account of land dispute. It is next submitted that the specific allegation is alleged against the accused persons of assaulting the husband and sons of the informant, who subsequently died. The learned counsel then submits that no doubt, the case appears to be heinous and barbaric and as three persons have died, but then the petitioner, who is a female and is family member of the accused persons came to be implicated with general and omnibus allegation that she came with spear and said that no one should be left alive. It is thus submitted that allegation against the petitioner is ornamental only to implicate her along with her family members. It is also submitted that the F.I.R. is clear that the named accused persons assaulted the injured.



The learned counsel for the informant as well as the learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submission of the learned counsel for the petitioner that the allegation against the petitioner is general and omnibus and she is not alleged to have assaulted any of the injured..

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Darihat P. S. Case No.111 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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