

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9685 of 2022

Arising Out of PS. Case No.-216 Year-2020 Thana- SUGAULI District- East Champaran

Kalawati Devi W/o Jairam Paswan Resident of Village - Naika Tola, Ward
No. 6, P.S. - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.3, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sugauli
P.S. Case No. 216 of 2020 registered for the offence under
Sections 341, 323, 324, 307, 302 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2021.

The allegation against the petitioner is to commit
murder of the informant alongwith other co-accused persons in
the background of neighborhood dispute and differences.

Learned counsel appearing on behalf of the petitioner



submitted that for the same set of occurrence a case was also lodged by the petitioner and his family members, who is member of schedule caste community. It is also submitted that nature of allegations is very much general and omnibus against the petitioner, who is a lady of clean antecedent. It has further been submitted that the petitioner was part of mob without having any overt act. It is submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 1410 of 2021 dated 04.03.2021. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that counter case has been lodged for the same set of occurrence by the petitioner, who is the member of schedule caste community.

Considering the facts and circumstances as mentioned above, as the occurrence was free fight, where case and counter case was lodged, further being a lady having no criminal antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Sugauli P.S. Case No. 216 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari East Champaran/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Musamat Sanjhari who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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