

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12479 of 2022

Arising Out of PS. Case No.-317 Year-2020 Thana- BISFI District- Madhubani

LAXMINIYA DEVI W/o Mr. Shivchandra Sahni Resident of Village -
Haspura Ward no.2, Raghauli, P.s.- Bisfi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-07-2022 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 Bisfi P.S.
Case No. 317 of 2020 registered for the offence under Sections
302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.08.2021.

The allegation against the petitioner is to commit
murder of husband of the informant along with other co-accused
person for land dispute.

Learned counsel appearing on behalf of the petitioner
submitted that allegation as regard to assault is very much



general and omnibus against the petitioner, who is a lady. It has further been submitted that from bare perusal of FIR, it is not appearing, that the petitioner was under intention to cause death. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 25721 of 2021 dated 18.11.2021. It has further been submitted that petitioner is a lady having clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the allegation as regard to assault is very much general and omnibus.

Considering the facts and circumstances as mentioned above, as allegation as regard to assault is very much general and omnibus against the petitioner, who is a lady and person of clean 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 Bisfi P.S. Case No. 317 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 ACJM, Ist, Benipatti, 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 Shivchadra Sahni, who is the husband of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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

