

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14944 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Anjali Devi, D/o Rohit Sahani Resident of Mohalla- Ghosukpur Ward No.2,
P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the informant	:	Mr. Anup Kumar Pandey, Advocate
For the Opposite Party/s	:	Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Abhishek Kumar, learned counsel
appearing on behalf of the petitioner and Ms. Renu Kumari,
learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Tariyani P.S. Case No. 248 of 2021, for the offence punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case, in brief, is that all the accused
persons named in the F.I.R. armed with lathi and danda
assaulted the husband of the informant Girdhari Sahani and
thereafter, they fled away. The husband of the informant died on
the spot, postmortem was conducted and postmortem report
supports the allegation of the prosecution.



Learned counsel appearing on behalf of the petitioner submits that the informant and petitioner are next door neighbour and on pity matter they had hot exchange which resulted into scuffle and as a result of the same, the accused persons named in the F.I.R. assaulted the victim, who died on the spot. It is his specific case that no specific overt act has been made against any of the accused persons named in the F.I.R.. The petitioner is female and it is not expected that she assaulted the husband of the informant along with other co-accused. The petitioner is in custody since 31.10.2021.

Sri Anup Kumar Pandey, learned counsel appearing on behalf of the informant submits that all the accused persons, including the petitioner, armed with Lathi-Danda started assaulting the husband of the informant, who died on the spot. The Doctor, who conducted postmortem, has assigned that the death has been caused due to massive bleeding which shows that all the accused persons have assaulted the deceased and as such it would not be proper to release the petitioner on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that accused persons named in the F.I.R. assaulted the husband of the informant, who died on the spot. The complicity of the petitioner cannot be



denied that she was not one of the accused persons, who has assaulted the husband of the informant.

Having heard the rival submissions of the parties, from perusal of the F.I.R., it appears that there is general and omnibus allegation of having assaulted on the body of the deceased by Lathi-Danda by all the accused persons named in the F.I.R. No specific overt act has been attributed so far as present petitioner is concerned. The petitioner has remained in custody since 31.10.2021 and the trial is not likely to be concluded in near future. Prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sheohar in connection with Tariyani P.S. Case No. 248 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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