

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16239 of 2022

Arising Out of PS. Case No.-442 Year-2021 Thana- JOGAPATTI District- West Champaran

1. GULJARI DEVI WIFE OF CHANDMAL MUKHIYA R/O VILLAGE-PRADRAUN, P.S.- YOGAPATTI, DISTRICT- WEST CHAMPARAN
2. KABITA DEVI WIFE OF RAJKUMAR MUKHIYA R/O VILLAGE-PRADRAUN, P.S.- YOGAPATTI, DISTRICT- WEST CHAMPARAN
3. SUNDARPATTI DEVI WIFE OF MANOJ MUKHIYA R/O VILLAGE-PRADRAUN, P.S.- YOGAPATTI, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2022 Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners, three in numbers namely, Guljari
Devi, Kabita Devi and Sundarpatti Devi are in judicial custody
in connection with Yogapatti P.S. Case No. 442 of 2021 for the
offences under Sections 341, 323, 324, 307, 447, 302 and
504/32 of the Indian Penal Code.

The allegation in the FIR is that all the accused
persons including the petitioners herein armed with various
weapons assaulted Parsan Mukhiya, Ramayan Mukhiya,



Jangbahadur Mukhiya, Kisan Kumar, Sunil Mukhiya, Birendra Mukhiya and Chandu Mukhiya. Subsequently, in course of treatment, Parsan Mukhiya and Ramayan Mukhiya were declared dead.

Learned counsel for the petitioners submits that the entire family members including the females have been made accused in the case with omnibus allegation of assault which led to the injuries and unfortunate death of two persons. He further submits that all the three petitioners are in jail since 14.10.2021 (as stated in paragraph-10 of the bail application).

Taking into account the aforesaid facts that omnibus allegations have been made against the petitioners herein, charge sheet stands submitted and they are in custody since 14.10.2021, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 442 of 2021, subject to the following conditions.

- (i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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