

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16366 of 2022

Arising Out of PS. Case No.-453 Year-2021 Thana- DEEPNAGAR District- Nalanda

1. MEENA DEVI Wife of Ravindra Singh @ Ravindra Kumar Singh Resident of Village - Indarpur, Berauti, P.S. - Deepnagar, District - Nalanda.
2. Simpu Devi Wife of Raushan Kumar Resident of Village - Indarpur, Berauti, P.S. - Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur, Adv.
For the informant	:	Mr. Pawan Kumar, Adv.
For the Opposite Party/s:		Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioners.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Deepnagar P.S. Case No. 453 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 325, 379,
307, 302, 120(B) of the Indian Penal Code.

As per prosecution case, petitioners are alleged to



have pelted stones. It has further been alleged that petitioners molded the finger of mother-in-law of the informant and they also snatched golden chain of the informant.

Learned counsel for the petitioners submits that petitioners are in custody since 11.12.2021. Petitioners bear criminal history of one case between the same party in which they are on bail. Learned counsel further submits that in the impugned order it has been mentioned that petitioners are accused in Deepnagar P.S. Case No. 269 of 2017 and Deepnagar P.S. Case No. 273 of 2020 but as a matter of fact, petitioners have not been made accused in Deepnagar P.S. Case No. 273 of 2020 and in the said case co-accused Vikash Kumar and Ravindra Singh are F.I.R. named accused and the said fact has specifically been mentioned by the petitioners in para 13 of the bail petition. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that from the perusal of the F.I.R. itself it is evident that the origin point of dispute being a Title Suit No. 192 of 2019 which is pending in the Court of Sub Judge in which Ravindra Kumar Singh is the plaintiff and Harivansh Singh and others are defendants and the husband of the present informant Pintu Kumar is defendant no. 5 in the



said title suit. Learned counsel further submits that from the F.I.R. itself, it is evident that both parties are agnates and there is partition dispute between the families. Allegation against the present petitioners are general and omnibus in nature. So far as the nature of allegation as alleged in the F.I.R. against the present petitioners are alleged to have pelting stones jointly and molding the fingers as well as snatching gold chain. There is no specific overt-act against the present petitioners and the petitioners are not the assailant of the deceased Pintu Kumar. There is specific allegation of assault against co-accused Vikash Kumar and Ravindra Singh and from the impugned order itself, it does not appear that either informant or her mother-in-law was treated by any doctor.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, petitioners are ladies, period of custody, nature of allegation, charge-sheet has already been submitted, petitioners are not the assailant of the deceased and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Deepnagar P.S. Case No. 453 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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