

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26692 of 2021

Arising Out of PS. Case No.-148 Year-2020 Thana- KATORIYA District- Banka

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GULWA DEVI W/o Durga Yadav Resident of Village -Bahadiya, P.S.-
Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 24-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 26.11.2020, seeks
regular bail in connection with Katoriya P.S. Case No. 148 of
2020 registered for offences punishable under Sections 302, 201
and 34 of the Indian Penal Code.

Prosecution case, in brief, is that deceased namely,
Sunder Yadav, who is the husband of the informant went out
from his house and did not return till 14.07.2020. At about 04:00
pm, the informant got information from the villagers that her
husband is found hanging on a tree with a plastic rope at about
distance of half kilometer from her house. The informant went



there and saw the dead body of her husband and she has made allegation that on 13.07.2020, Durga Yadav, Ajay Yadav, Rohit Yadav and Gulwa Devi (present petitioner) threatened to kill her husband due to previous land dispute and she has alleged that all the accused persons named in the F.I.R. have killed her husband.

Learned counsel appearing on behalf of the petitioner submits that husband of the informant was mentally unsound and there is every likelihood that he has committed suicide. There is no eye witness to the alleged incidence and nothing has surfaced in course of investigation to implicate the present petitioner for committing murder of the husband of the informant along with other co-accused. Petitioner is a lady and her husband Durga Yadav is also in custody and she has one girl child who is presently not being taken care of in appropriate manner and as such sympathetically, the present petitioner who is a lady be released on bail.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that from the post-mortem report it appears that this is not a case of suicide rather the doctor has opined the cause of death due to strangulation. There are several injuries on the different parts of the body. All the independent witnesses have also supported the fact that there



was previous land dispute between the parties and there is every suspicion that the same has lead the accused persons to commit murder of the husband of the informant. However, there is no eye witness to the alleged incidence.

Considering the facts and circumstances of the case, allegation made in the F.I.R. against the petitioner which is general and omnibus in nature and nothing specific has been alleged against the petitioner that she has assaulted the victim, in absence of any eye witness to the alleged incidence and considering the specific prayer of the petitioner that she has a young girl child who is alone at her house and no one is taking care of her, prima facie the present petitioner has made out a case to be released on bail. The Court below is directed to release the petitioner above named on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoriya P.S. Case No. 148 of 2020 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) 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.

(Purnendu Singh, J)

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