

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18412 of 2022

Arising Out of PS. Case No.-797 Year-2021 Thana- MADHEPURA District- Madhepura

Madhu Mala Devi wife of Chandar Yadav Resident of Village - Bardaha
Ghoth, Ward No. 04, Police Station - Madhepura (Parmanandpur O.P.),
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307, 327, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that on 06.10.2021 the informant went to sleep with his wife in the night at a *machaan* in front of his house. At about 11:30 PM in the night he heard a sound of bullet and woke up and saw that his wife was injured. He then started shouting. He saw that two



accused persons namely Chandan Yadav and Ram Sawarath Yadav were fleeing away on one motorcycle while two unknown criminals were fleeing on other motorcycle. He further alleged that his wife sustained two bullet injuries, one on her arm whereas the other on her stomach and she was bleeding heavily and was unconscious. The informant then took her wife to Surya Hospital, Saharsa for treatment. It is alleged by the informant that his daughter-in-law Madhu Mala Devi was asking to write a deed in her name with respect to the land in the name of the informant and his wife. He further alleged that due to this dispute his wife has been shot by the accused persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name has been transpired during investigation on the basis of statement of the informant. He further submits that in fact the petitioner is daughter-in-law of the informant and the informant only stated that there is land dispute. He further submits that there is no land dispute between the petitioner and the informant or his wife and the actual fact is that the informant had sold his whole land to other persons and he was putting pressure on his wife to sell



the land but she was not ready for it and for that the informant himself committed crime. He further submits that in fact the date of occurrence is 06.10.2021 and the present F.I.R. was instituted on 11.10.2021 after delay of five days without explanation of delay. He further submits that nothing has come during investigation and the petitioner is in custody since 06.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Madhepura (Parmanandpur O.P.) P.S. Case No. 797 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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