

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21498 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- MAHISHI District- Saharsa

1. PAVIYA DEVI Daughter of Ashok Sada Resident of Village - Samari Bharna, Ward No.- 7, P.S.- Mahishi, Dist.- Saharsa.
2. Meena Devi Wife of Ashok @ Ashok Sada Resident of Village - Samari Bharna, Ward No.- 7, P.S.- Mahishi, Dist.- Saharsa.
3. Rabina Devi Wife of Pravesh Sada Resident of Village - Samari Bharna, Ward No.- 7, P.S.- Mahishi, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha
For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 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 Mahishi P.S. Case No. 180 of 2021 registered for the offences punishable under Sections 341, 323, 302, 120B, 504, 506, 34 of the Indian Penal Code.

As per prosecution case, it has been alleged that informant's son (deceased) and co-accused Ashok Sada were quarreling. Meanwhile, petitioners came there and all the F.I.R.



named accused persons killed the informant's son by beating him with Lathi and Danda.

Learned counsel for the petitioners submits that petitioners are in custody since 04.10.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioners are the female members and they are not in a position to commit murder of a 19 years old person, since the informant implicated entire family members in this case. There is general and omnibus allegation against the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioners being ladies, keeping in view clean antecedent of the petitioners 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) with two sureties of the like amount each to the satisfaction of learned



A.C.J.M. II, Saharsa in connection with Mahisi P.S. Case No. 180 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 without appropriate permission 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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