

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23628 of 2022

Arising Out of PS. Case No.-85 Year-2020 Thana- BAUSI District- Araria

RAJO DEVI W/o Chandan Paswan Resident of Village- Majhua Purab Tola,
Ward No.11, Police Station- Bausi, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-08-2022 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 petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bausi P.S. Case No. 85/2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 379, 504/34 of the Indian Penal Code.

As per prosecution case, on 11.07.2020 at about 8.30 pm petitioner and others formed an unlawful assembly with common object to commit murder came on the land of the informant and co-accused, Narayan Paswan inflicted Dabia blow on the head of informant's father while co-accused, Jitendra Paswan inflicted spade blow on both legs of informant's father causing serious bleeding injury and when informant's mother



came there then all the accused persons have also abused and assaulted to informant's mother causing serious injury on her person. The informant and others took away to Sadar Hospital, Purnia where the doctor declared the informant's father dead.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to land dispute. There is case and counter case between the parties and both parties are own gotiya. The petitioner is a lady and languishing in custody since 08.09.2021 having 1½ years breast feeding child. The petitioner is only member of mob and not liable for the occurrence. Learned counsel for the petitioner further submits that there is no specific allegation against the petitioner and there is general and omnibus allegation against her. There is specific allegation against co-accused, Narayan Paswan as well as Jitendra Paswan who assaulted the deceased. The petitioner bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner being a lady, charge sheet has already been submitted in this case and there is no likelihood of tampering



with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Araria in connection with Bausi P.S. Case No. 85/2020, 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) Petitioner 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 petitioner tampers 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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