

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39945 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- FATEHPUR District- Gaya

1. Lovely Devi, W/o Nilesh Kumar @ Vijay Kumar, R/o Village- Pakri, P.S.- Fatehpur, District- Gaya, Pin- 824232.
2. Guriya Devi, W/o Mithlesh Kumar @ Vinay Kumar, R/o Village- Pakri, P.S.- Fatehpur, District- Gaya, Pin- 824232.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Onkar Nath, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners, who are ladies, are apprehending their arrest in connection with Fatehpur P.S. Case No. 254 of 2020 for the offences punishable under Sections 341, 323, 337, 338, 308, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 25.10.2020, on account of previous enmity, the petitioners along with two other co-accused started abusing and assaulting the



informant's brother Rohit. When the informant came to save him then the petitioners along with other co-accused assaulted them with brick, due to which they sustained injuries. It is also alleged that when the mother of the informant came to save him then co-accused Nilesh assaulted her with bricks due to which she sustained head injuries. It is also alleged that co-accused Nilesh and Mithlesh made firing.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted on behalf of learned counsel for the petitioners that there is no specific allegation against these two petitioners, rather the specific allegation has been levelled against co-accused Nilesh. It is further submitted that there is a counter version of the present case, being Fatehpur P.S. case no. 256 of 2020, instituted by co-accused Nilesh Kumar. It is next submitted that there was free fight between the parties and both the parties are neighbours and on account of trifling dispute scuffle has taken place. So far as allegation of causing head injury is concerned that has been attributed against co-accused Nilesh Kumar. It is lastly submitted that the petitioners have absolutely clean antecedent and they are ready to undertake



before this Court that they will co-operate in the investigation and in conclusion of the trial and there is no chance of their absconding and tampering with the evidence.

On the other hand, earned APP for the State opposes the bail application and submits that there is specific allegation against these petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there are general and omnibus allegation against these petitioners, who are ladies, and having clean antecedents, apart from the fact that there is counter version of the present case, let the petitioners named above, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya in connection with Fatehpur P.S. Case No. 254 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

- (i) One of the bailors should be the close relatives of the petitioners.
- (ii) The petitioners will cooperate in conclusion of the



trial.

(iii) They will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(Harish Kumar, J)

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