

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41408 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- BUXAR District- Buxar

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1. CHANDANI DEVI Wife of Gyanesh Kumar Arya @ Gyanes @ Babu Saheb Resident of Mohalla- Muneem Chowk, Ward No.24, P.S.- Buxar (Town), District- Buxar.
 2. Priyanka Devi Wife of Jitesh Kumar Arya @ Jitesh Resident of Mohalla- Muneem Chowk, Ward No.24, P.S.- Buxar (Town), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate.
For the Opposite Party/s : Mr.Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioners, who are in custody since 15.03.2021, seek regular bail in connection with Buxar Town P.S. Case No. 166 of 2021 for the offence punishable under Sections 147, 149, 341, 323, 498 and 302 of the Indian Penal Code.

The prosecution case, in brief, is that all the F.I.R. named accused persons came to the house of the informant and started assaulting her husband Om Babu brutally, as a result of



which, her husband sustained injuries on his chest and abdomen and subsequently he died.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that the allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no allegation of assault against the petitioners rather specific allegation of assault is against Jitesh and Gyanesh. Petitioners are female and petitioner no.2 Priyanka Devi is having one infant baby. Petitioners have clean antecedent and they are in custody since 15.03.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, petitioners are female having clean antecedent and they are in custody since 15.03.2021 and specific allegation of assault is against other co-accused Jitesh and Gyanesh, in my opinion, the petitioners prima facie have made out a case to be released on bail.

The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each



to the satisfaction of the learned Chief Judicial Magistrate,
Buxar in connection with Buxar (Town) P.S. Case No. 166 of
2021, subject to the following conditions:-

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

(2) Petitioners shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar
nature of offence, after their release on bail, the trial Court shall
take steps to cancel their bail bonds.

(Purnendu Singh, J)

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