

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41133 of 2021

Arising Out of PS. Case No.-179 Year-2019 Thana- ALAMNAGAR District- Madhepura

1. REKHA DEVI Wife of Khushi Lal Sah Resident of Village- Alam Nagar, Ward No.07, P.S.- Alam Nagar, District- Madhepura.
2. Gyani Devi @ Jagmaya Devi Wife of Rangil Sah Resident of Village- Alam Nagar, Ward No.07, P.S.- Alam Nagar, District- Madhepura.
3. Seema Devi Wife of Mukesh Kumar Sah @ Mukesh Sah Resident of Village- Alam Nagar, Ward No.07, P.S.- Alam Nagar, District- Madhepura.
4. Lalita Devi Wife of Gulab Sah Resident of Village- Alam Nagar, Ward No.07, P.S.- Alam Nagar, District- Madhepura.
5. Santosh Sah Son of Rangil Sah Resident of Village- Alam Nagar, Ward No.07, P.S.- Alam Nagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-01-2022 Heard Dr. Sanjay Kumar Singh, learned counsel for the petitioners and Md. Anbzarul Haque Sahara, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Alam Nagar P.S. Case No. 179/2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 384, 354, 379 and 302 of the Indian Penal Code 1860.

As per the First Information Report, the petitioners



and other accused persons assaulted the father of the informant and his family members. It has further been alleged that one Khushi Lal Sah assaulted by means of *Gransa* on the head of father of the informant and petitioner No. 5 along with others assaulted with *Dabia* and *Khanti*. The accused persons also looted the household articles of the informant and fled away.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to dispute relating to construction of Pelmet/Chhajja in the house allotted under the *Indira Awas Yojana* to the informant. Learned counsel further submits that the allegation of assault by means of *Gransa* is upon Khushi Lal Sah and, thereafter, it has been alleged that three other persons namely, Rangil Sah, Dhiraj Sah and petitioner No. 5 assaulted the father of the informant, due to which, he died. He next submits that from perusal of the postmortem report it would be evident that only one external injury over the parietal region of about 3" x 1" had been found on the body of the deceased and the Doctor has opined the cause of death due to the injury inflicted by hard and blunt object. He next submits that co-accused Rangil Sah and Dhiraj Sah upon whom the allegation of assault upon the father of the informant is also there, have been granted bail by co-ordinate Benches of



this Court in Cr. Misc.83868 of 2019 and 31341 of 2020 respectively.

Learned counsel further submits that petitioner Nos. 1 to 4 are lady members of the family of the accused persons and there is no specific allegation of assault against them upon the deceased. However, the injuries sustained by other family members of the informant are simple in nature. The petitioners No. 1 to 4 are in custody since 12.2.2021 and petitioner No. 5 is in custody since 6.11.2021. Learned counsel also submits that other co-accused person with similar allegation has also been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 19070 of 2020.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, the petitioners are in custody since 12.2.2021 and 6.11.2021 respectively, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate, Uda Kishunganj, Madhepura, in connection with Alam Nagar P.S. Case No. 179 of 2019 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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