

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42083 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- SURYAGARHA District- Lakhisarai

GODA DEVI W/o Subodh Singh Resident of Village - Sobhania, P.S.-
Suryagarha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Advocate
For the Informant	:	Mr. Bharat Lal, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-02-2022 Heard Mr. Bipin Kumar, learned counsel for the petitioner, Mr. Bharat Lal, learned counsel for the informant and Mr. Mithlesh Kumar Khare, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Suryagarha P.S. Case No. 43 of 2021 registered for the offence punishable under Sections 302, 307, 34 of the Indian Penal Code 1860 and Section 27 of the Arms Act.

As per the allegation in the First Information Report, the petitioner called her husband and son and, thereafter, her brother-in-law and husband fired upon the brother of the informant, due to which, he sustained firearm injury and subsequently died.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and from perusal of the First Information Report, it would be evident that the petitioner is not the assailant. The petitioner is lady and she is in custody since 23.02.2021 and the allegation of firing is upon the husband and brother-in-law of the petitioner.

On the other hand, learned counsel for the informant opposed the prayer for bail and submits that the petitioner called her husband and son and upon a quarrel on the point of giving passage to the Tractor which was being driven by the brother of the informant, the accused persons fired upon the brother of the informant, due to which, he died. Accordingly, she does not deserve the privilege of bail.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is a lady and, she is not the assailant, she is in custody since 23.2.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai,



in connection with Suryagarha P.S. Case No. 43 of 2021.

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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