

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36900 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- RAJAOLI District- Nawada

BUDHNI DEVI WIFE OF NAGO SINGH @ NAGESHWAR SINGH
Resident of Village- Gohiyadih, P.S.- Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2022 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
Rajouli P.S. Case No. 71 of 2022 registered for the offences
punishable under Sections 147, 148, 149, 341, 323, 342, 325,
326 and 302 of the Indian Penal Code and Section 3/4 of the
Prevention of Witch (Daain) Practice Act.

As per prosecution case, co-accused persons killed
the informant's wife by setting her on fire and slitting her throat.
It is further alleged that petitioner is member of mob.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.03.2022. Petitioner bears no



criminal antecedent. Learned counsel further submits that F.I.R. is lodged against 52 named persons and nearly 25 unknown persons. Learned counsel further submits that the informant has tried to falsely implicate all villagers. From the perusal of F.I.R. it is specifically alleged that co-accused Dinesh Singh, Dilip Singh and Vijay Singh doused her with diesel and Rameshwar Singh set her ablaze on account of which she jumped in the pond to save her life. Thereafter, Dinesh Singh caught the hand of informant's wife and Dilip Singh caught the leg and Vijay Singh killed her by slitting her throat. Allegation against the petitioner is vague and there is no specific allegation against the petitioner. The allegation is general and omnibus. Learned counsel further submits that the petitioner is a lady. Learned counsel further submits that co-accused Pankaj Kumar and others have already been granted bail vide Cr. Misc. No. 50636 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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 as well as period of custody, petitioner being a lady, argument advanced on behalf of the parties, similar situated co-accused



persons have already been granted bail, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajouli P.S. Case No. 71 of 2022, 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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