

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37736 of 2022

Arising Out of PS. Case No.-248 Year-2020 Thana- BATHNAHA District- Sitamarhi

1. Surendra Sharma @ Surendra Thakur Son Of Jodhan Thakur R/O Village-Koili, P.S.- Bathanaha, District- Sitamarhi
2. Prema Devi Wife Of Surendra Sharma @ Surendra Thakur R/O Village-Koili, P.S.- Bathanaha, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioners, State and the informant.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are in judicial custody in connection with Bathanaha P.S. Case No. 248 of 2020 for the offences under Section 302/120(B)/34 of the Indian Penal Code.

As per the FIR, it is alleged that the co-accused Raju Sharma came at the door of the informant and started pulling his sister. On her alarm, he and his family members came out of their house and thereafter, the accused fled away after threatening her. After some time, all the accused persons again came to the house of the informant and thereafter one of the co-accused, namely, Kapleshwar Sharma pulled out his mother on the road and cut the elbow of her left hand by sword and the



other co-accused ,namely, Surendra Sharma cut the vein of her left hand as a result of which mother of the informant fell down and later died. Accordingly, the FIR was lodged and the petitioners were taken into custody.

Learned counsel for the petitioners submits that due to dispute relating to passage, the present occurrence took place in which exaggerating the incident, number of accuseds have been implicated.

Per contra, learned counsel for the informant submits that so far as the Surendra Sharma is concerned, there is specific allegation that he cut the vein of the left hand of the informant's mother causing her death. So far as the petitioner no.2, Prema Devi, is concerned, omnibus allegation have been made against her.

Considering the allegation that has come in the FIR, this Court is not inclined to grant any relief to petitioner no. 1, namely, Surendra Sharma @ Surendra Thakur and his bail application is accordingly, rejected.

So far as the petitioner no. 2, Prema Devi is concerned, she is a lady, is in custody since 22.03.2022, charge sheet stands submitted and omnibus allegation is against her, this Court is inclined to grant her privilege of bail.



Let the petitioner no. 2, Prema Devi be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-Vth, Sitamarhi in connection with Bathanaha P.S. Case No. 248 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

neha/-

U		T	
---	--	---	--

