

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40049 of 2022

Arising Out of PS. Case No.-107 Year-2019 Thana- SAHAR District- Bhojpur

VIMLA DEVI W/O SATENDRA SAH Resident of Village- Baruhi, P.s.-
Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Sahar P.S. Case No. 107 of 2019 for the offences under
Sections 302/34 of the Indian Penal Code.

As per the F.I.R., the father of the informant had
objected to bringing of a girl and had stated that the same is not
fair which led to hot exchanges between him and accused
persons whereafter armed variously, they assaulted her father.
He was immediately rushed to Sadar Hospital, Ara for treatment
where he died.

Learned counsel for the petitioner submits that the
entire family members have been implicated in this case. Even



going by the F.I.R., there is general and omnibus allegation against all of them with the allegation of having assaulted the informant's father. It is his last submission that she is in custody since 28.03.2022 (as stated in paragraph-13 of the bail application).

Learned APP for the State, on the other hand, submits that the said assault led to the death of informant's father and her role cannot be overlooked.

Be that as it may, the petitioner is a lady, is 55 years of age, in custody since 28.03.2022, have no criminal antecedent, charge sheet stands submitted and similar placed co-accused persons have since been released on bail as has been brought on record by Annexure-2 of the bail application, this Court is inclined to grant her privilege of bail.

Let the petitioner 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 Chief Judicial Magistrate, Bhojpur, Ara in connection with Sahar P.S. Case No. 107 of 2019, 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/her bail bond 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 the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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