

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50225 of 2021

Arising Out of PS. Case No.-217 Year-2019 Thana- SULTANGANJ District- Bhagalpur

1. VIMLA DEVI W/o- ASHOK YADAV
 2. Rekha Devi W/o Mukesh Yadav
- Both are Resident of Village- Kathara, P.S.-Sultanganj, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioners, which is kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per written application of the informant namely Amit Kumar the prosecution allegation, in short, is that on



26.08.2019 at 7.00 to 7.30 evening the father of informant was sitting at the door. At the same time, both accused petitioners handed with Khanti with other accused Mukesh Yadav having Khanti, Gaurav Yadav having Lathi, Saurabh Yadav having country made pistol, Ashok Yadav having Lathi came at the door of informant. They have assaulted the father of informant brutally, who fell down and blood oozed. On noise, when informant came at the P.O. saw that his father died. The reason of occurrence is previous land dispute.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners. He further submits that the petitioners are female member of the family and there is no specific allegation against the petitioners. The informant falsely and motivately implicated the petitioners in the present case and the police, after investigation, submitted chargesheet against the petitioners and petitioner No.1 is in custody since 11.01.2021 and petitioner No.2 is in custody since 28.12.2020.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with S.Tr.No.307 of 2021 arising out of Sultanganj Police Station Case No.217 of 2019, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

