

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50260 of 2021**

Arising Out of PS. Case No.-75 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

GAYTRI DEVI, W/o LATE DIPLAL RAY R/o VILLAGE-AADAM  
CHHAPRA, P.S-AHIYAPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                           |
|--------------------------|---|---------------------------|
| For the Petitioner/s     | : | Mr.Hari Kishore Thakur    |
| For the Opposite Party/s | : | Mr.Mritunjay Kumar Nirala |
| For the informant        | : | Mr. Yashraj Bardhan       |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      25-04-2022                      Heard the learned counsel for the petitioner, the  
learned APP for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences under Sections 341, 323, 307, 302, 504, 506, 34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 03.02.2021, she is a person with clean antecedent, charge-sheet has been submitted and is a woman and the informant alleges that he along with his uncle witnessed firing by Sonu on his father while other accused persons including the petitioner assaulted his father and when his uncle intervened Monu put pistol on his head and petitioner



was seen carrying a dagger, further his father died and it is alleged that the occurrence took place on account of previous enmity.

The learned counsel for the petitioner submits that no doubt the injured died by stabbed wound injury but then in the FIR, the informant has not even remotely suggested that petitioner assaulted the deceased rather he only alleges that she was seen carrying a dagger. The learned counsel further submits that though in the FIR, the informant has specifically alleged that Sonu fired at his father from a close range killing him but then the post-mortem report does not even reflect that there was any gun shot injury sustained by the deceased. The learned counsel thus submit that it appears that the informant for some ulterior reason on account of previous enmity in order to falsely implicate the petitioner and her family members has instituted a false case despite not being an eye witness to the occurrence.

The Learned A.P.P. and learned counsel for the informant oppose the bail application and submit that the injured died on account of stabbed wound injury and the petitioner was seen carrying a dagger but are not able to meet the submissions of the learned counsel for the petitioner as aforesaid.



Considering the fact, the petitioner is in custody since 03.02.2021, she is a person with clean antecedent, charge-sheet has been submitted and is a woman and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ahiyapur P.S. Case No. 75 of 2021.

The application stands allowed.

**(Satyavrat Verma, J)**

sanjeev/-

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