

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42731 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- TEYAR District- Bhojpur

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KANSUNDARI DEVI @ KANSUNARI DEVI @ PANSUNDARI DEVI @
PANSUNDARI YADAV W/o Bhim Yadav R/o village- Hulastola, P.S.- Tarari,
District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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 Tiyar
P.S. Case No. 09 of 2022 registered for the offences punishable
under Sections 341, 323, 302, 504, 34 of the Indian Penal Code.

As per prosecution case, petitioner and other co-
accused persons assaulted the informant's husband by means of
Lathi, Danda, Bricks, fists and slaps. It is further alleged that
when the informant heard the sound of her husband, she came
out from the house and saw that her husband is lying on the
ground and co-accused Bhim Yadav was assaulting him with



fists and slaps on his chest. It is further alleged that the informant's husband died on spot.

Learned counsel for the petitioner submits that petitioner is in custody since 22.05.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the occurrence alleged is in two parts and the allegation levelled against the petitioner is in first part which the informant has not seen and in the second part no allegation has been levelled against the present petitioner. Allegation against the petitioner is general and omnibus in nature as there is no specific overt-act against the present petitioner.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner being a lady, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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 Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Tiya P.S. Case No. 09 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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