

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47932 of 2022**

Arising Out of PS. Case No.-122 Year-2022 Thana- AGAMKUAN District- Patna

Sunita Devi wife of Binod Mahto Resident of Mohalla - Chhoti Pahadi,
Rasidachak, P.S.- Agamkuan, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Agamkuan P.S. Case No. 122 of 2022 registered for the offences punishable under Section 302, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 19.02.2022 having no criminal antecedent.

As per the prosecution story, the informant who happens to be the brother of the deceased gave his fardbeyan before the police that his Khandani land, which was forcibly wanted to capture by his neighbours, and when his brother



objected for the same he was threatened for dire consequences. It is further alleged that on the order of Balram Singh Mandal @ Balram Kumar, one Govind Kumar under conspiracy with other accused persons made a plan to murder the brother of the informant and when his brother was passing near Kumhrar Tola, the accused persons fired upon him as a result of which he fell down in injured condition, thereafter he was brought to N.M.C.H. where the doctors declared him dead.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that there is no specific allegation of firing against this petitioner, however she is in custody since It is submitted that the petitioner is in custody in connection with this case since 19.02.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein on reading of the First Information Report it appears that there is no specific allegation of firing against this petitioner and in the occurrence which took place over taking possession of a piece of land the named accused persons who



had indulged in firing are specifically mentioned in the F.I.R., in the nature of the case and there being no overt act by this petitioner who is in custody in connection with this case since 19.02.2022, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City in connection with Agamkuan P.S. Case No. 122 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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