

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49831 of 2022**

Arising Out of PS. Case No.-274 Year-2021 Thana- RAJGIR District- Nalanda

ARCHANA DEVI W/o Shiv Rajbanshi Resident of Village- Dhanchau, P.S.-
Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-12-2022 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

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

The petitioner is apprehending her arrest in a case
registered for the offences punishable under Section 302/34 of
the Indian Penal Code.

As per prosecution case, in short, it is alleged by the
informant that his grandfather went to sleep at his Dalan at
about 7:30 O'clock then the accused petitioner along with
accused persons came and started assaulting his grandfather
indiscriminately with lathi and thereafter he was taken to Sub-
Divisional Hospital, Rajgir for treatment and thereafter he was



taken to a Private Clinic of Dr. Dhruv Kumar Singh for surgery and after surgery he was brought home and then on 06.08.2021 he died at home. It is further alleged that the death of his grandfather accrued due to this assault by the accused persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and she has been falsely implicated in the present case only on the basis of suspicion. He further submits that the alleged date of occurrence is on 27.07.2021 but the present F.I.R. was instituted on 06.08.2021 after the delay of about 10 days without giving any explanation of delay. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the deceased was initially treated at Pawapuri Hospital and after discharge he was taken to private clinic of Dr. Dhruv Kumar Singh and after surgery he returned back to home on 03.08.2021 and thereafter the deceased died on 06.08.2021. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and no specific allegation of any assault or overt act against the petitioner and petitioner is a lady.

Learned APP for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Rajgir P.S. Case No. 274 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

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

(3) 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 her



criminal antecedent, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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