

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69917 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- AKHODHIGOLA District- Rohtas

1. Anju Devi D/o Late Dadan Ram Resident of Village - Musai Tola, P.s.- Akorhigola Distt.- Rohtas.
2. Geeta Kunwar W/o Late Dadan Ram Resident of Village - Musai Tola, P.s.- Akorhigola Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Akorhigola P.S. Case No. 74 of 2021 registered for the alleged offences under Sections 302, 324 and 34 of the Indian Penal Code.

As per prosecution case, the petitioners and other co-accused persons killed the husband of the informant by assaulting him with iron rod and pouring boiling water over him



and left his dead body near a peepal tree.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case merely on suspicion. There is no eye witness to the occurrence. From the alleged place of occurrence, nothing incriminating has been recovered or seized by the police. There is no specific allegation of assault against the petitioners. The allegations are general and omnibus. The dead body was not recovered from the house of the petitioners. During investigation, nothing material has been found to connect the petitioners for the occurrence as alleged. The petitioners are ladies and the petitioner no. 2 is disabled and could not do her work by the right hand. Charge sheet has been submitted in this case and the petitioners are in custody since 08.07.2021. Other co-accused persons have been granted bail by a Coordinate Bench vide order dated 06.04.2022 passed in Cr. Misc. No. 56071 of 2021 and Cr. Misc. No. 61033 of 2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that there is specific allegation against the petitioners along with other co-accused persons that they assaulted and killed the husband of the informant. However, learned APP concedes that post mortem report shows



cause of death could not be ascertained and viscera has been preserved to ascertain the cause of death.

Having regard to the facts and circumstances and further considering the fact that the post mortem report does not support the allegation of the informant regarding cause of death and further considering the fact that the petitioners are ladies and are in custody since more than a year and also considering the grant of bail to the similarly placed other co-accused persons, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I Class, Dihri, Rohtas in connection with Akorhigola P.S. Case No. 74 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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

