

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9836 of 2023**

Arising Out of PS. Case No.-222 Year-2022 Thana- MANPUR District- Nalanda

SAROJANI DEVI Wife of Rambali Yadav R/V- Makduane, PS- manpur,
Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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

2 08-05-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Manpur
P.S. Case No. 222 of 2022 dated 10.09.2022 registered for the
offence under Sections 341, 323, 115, 302, 504/34 of the Indian
Penal Code and Section 25(1-b)a, 26, 27 and 35 of the Arms Act.

The petitioner is alleged to have handed over the gun
to the co-accused, Sunil Yadav @ Kalara Yadav who allegedly
opened fire upon the husband of the informant as a result of
which he died after sustaining firearm injury on the chest.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
according to the F.I.R., while the scuffle was going on between the



parties, the petitioner brought arms from her house and handed over to his son, Sunil Yadav @ Kalara Yadav, who happens to be the main assailant in this case. He further submits that though there is allegation against the petitioner that she handed over the arms to her son but she has not assaulted any member of the informant 's family rather his son has inflicted gun shot injury to the deceased. He further submits that the name of this petitioner has been dragged along with other family members of the petitioner by making the case ornamental. Moreover, the co-accused, namely, Manti Devi, who is allegedly caught hold the deceased along with others and instigated the petitioner to shot fire upon the deceased, has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 11169 of 2023. The petitioner is rotting in judicial custody since 11.09.2022.

Learned A.P.P. for the State as well as the learned counsel for the informant opposed the prayer for bail of the petitioner and submits that it is the petitioner who brought gun from her house and handed over to her son in order to open fire upon the husband of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-5, Nalanda



at Biharshariff in connection with Manpur P.S. Case No. 222 of 2022 with the 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 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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