

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15658 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- MAHARAJGANJ District- Siwan

1. Munna Patva @ Munna Kumar Patva @ Munna Kumar S/O Late Kanhaiya Lal Patva @ Late Kanhaiya Patva Resident Of Village- Pasnauli, Purani Bazar, P.O. and P.S.- Maharajganj, District- Siwan.
2. Archana Kumari D/O Late Kanhaiya Lal Patva @ Late Kanhaiya Patva Resident Of Village- Pasnauli, Purani Bazar, P.O. and P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with
Maharajganj P.S. Case No. 300 of 2022 registered for the
offence under Sections 341, 323, 324, 307, 326, 302, 504,
506/34 of the Indian Penal Code.

As per allegation in the FIR, on the alleged date of
occurrence some altercation took place between the informant
and accused persons regarding water passing through the house
of petitioners. Whereupon, petitioner no.2 started abusing the
informant as well as others. Thereafter, the petitioners along
with co-accused persons came and assaulted the informant's



brothers namely, Amit Kumar, Sanjit Patwa & Dharmendra Patwa by means of sword due to which they sustained injuries thereafter, they were being taken to hospital but Dharmendra Patwa died in the way.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to dispute between the parties. From perusal of FIR, no specific allegation of assaulting is attributed against petitioner no.2. Postmortem report does not in-consonance with the prosecution as the doctor opined cause of death is caused by sharp cut as well as hard & blunt object but the allegation against the petitioners is of assaulting only by means of sword. The petitioners have got no criminal antecedent as stated in para-3 of the petition. It is further submitted that the petitioners are languishing in judicial custody since 14.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioners are named in the FIR and specific allegation alleged against petitioner no.1 of assaulting the deceased by means of sword along with other accused persons. This crime is heinous in nature. It is further submitted that witnesses of this case have



also supported the persecution.

Having heard learned counsel for the parties and considering the facts that petitioner no.2, being a lady as well as her period of custody, this court is inclined to enlarge her on bail. The above named petitioner no.2 Archana Kumari is directed to be released on bail in connection with Maharajganuj P.S. Case No. 300 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan.

So far as petitioner no.1 namely, Munna Patwa is concerned, there is direct allegation against him of assaulting the deceased by means of sword, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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