

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15706 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- SAHPUR District- Bhojpur

1. Kiran Devi, Wife of Pramod Gupta, R/V- Naya Bazar, P.S- Buxar, District- Buxar
2. Asha Devi, Wife of Mantosh Gupta, R/V- Nawanagar, P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Dharendra Pratap Singh, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP
For the Informant	:	Ms. Vaishnavi Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-04-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.
2. Petitioners seek regular bail in connection with Shahpur P.S. Case No. 415 of 2022 dated 28.11.2022 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of Arms Act.
3. The main submissions advanced by the learned counsel for the petitioners are that in paragraph no.3 of the petition, the petitioners by mistake of fact mentioned that the petitioners have no criminal antecedent but the mistake took place bonafidely by them regarding Shahpur P.S. Case No. 276 of 2020, as they had no knowledge of their involvement in the



said case and all these facts have been mentioned in the supplementary affidavit and so far as the present matter is concerned, against the petitioners there is no allegation and they were simply alleged to have helped the co-accused persons in identifying the house of the victim and they were not alleged to be involved in the commission of the alleged crime and moreover both the petitioners are married ladies and residents of another District.

4. Learned counsel for the informant has vehemently opposed the bail prayer and submitted that in view of provisions of Section 34 and 120 (B) of the Indian Penal Code, the petitioners are similarly liable like the other co-accused persons as they were involved with co-accused persons and their conduct was also not good as per FIR and they helped the main accused persons in identifying the house of the victim who committed murder and moreover both the petitioners intentionally concealed their criminal antecedent.

5. Having considered the facts and circumstances of the case and mainly the nature of allegation appearing against the petitioners and also the facts that the petitioners are women and the main allegation against them is of identifying the house of the victim to the co-accused persons who committed the



murder, in the opinion of this court, the petitioners deserve to a lenient approach of this court. Accordingly, let both the petitioners be released on bail in connection with Shahpur P.S. Case No. 415 of 2022 on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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