

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17060 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- MAHKAR District- Gaya

PUJA DEVI @ PUJA KUMARI W/O MAHESH YADAV Resident of
Village- Bhawani Bigha, P.S.- Mahkar, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends her arrest in connection with Mahkar P.S. Case No.60 of 2022 instituted under Sections 147,148,149,323,324,307,302,337,338 of the Indian Penal Code lodged on 10.06.2022 by the informant Hari Narayan Yadav.

As per the prosecution story, the informant Harinarayan Yadav has alleged in his fard-beyan to the police that on 09.06.2022 at 07:45 hours he proceeded with his brother Ashok Yadav from his house to go to Bhawani Bigha. As he reached Bhawani Bigha, 10-12 persons came out from the house of Hriday Yadav, co-accused Manish Kumar. On the instigation of co-accused, Binay Yadav fired at the neck of Ashok Yadav who instantly died at the spot. Co accused Ravindra Yadav fired at the informant which hit the right side of the temple of the



informant, rest co-accused persons had assaulted the informant and his brother Ashok Yadav with Bhala, Garasa whereas the accused petitioner threw bricks on them. On information police came and brought the informant to the hospital for his treatment. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the main allegation is against the other accused persons. So far as this petitioner is concerned the only allegation is that she was pelting stones from the roof.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the petitioner is a lady having no criminal antecedent and the main allegation is against other accused persons, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Makar P.S. Case No.60 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Gaya, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner will make herself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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