

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17334 of 2023

Arising Out of PS. Case No.-357 Year-2020 Thana- SABAUR District- Bhagalpur

GAYTRI DEVI @ GYATRI KUMARI @ GYATRI DEVI @ GAYATRI
DEVI WIFE OF PRABHU YADAV RESIDENT OF VILLAGE- DASPUR,
PS- SAJOUR (SHAHKUND), DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends her arrest in connection with
Sabour P.S. Case No. 357 of 2020, registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

At the very outset, the learned counsel for the
petitioner has submitted that, though the anticipatory bail
petition of the petitioner was rejected vide order dated
09.02.2022 by this Court in Cr. Misc. No. 41333 of 2021, but
the petitioner is renewing her prayer for anticipatory bail on the
fresh ground that co-accused Prabhu Yadav, on whom there is
allegation of firing on the person of deceased, has been granted



bail in Cr. Misc. No. 71369 of 2022 and the case of the petitioner is on better footing. Similarly, co-accused Yogesh Yadav has also been granted bail in Cr. Misc. No. 50167 of 2021. These two orders are subsequent to the order, rejecting the anticipatory bail petition of the petitioner. He has submitted further that the petitioner was pregnant at the time of rejection of her anticipatory bail petition and presently she has given birth to a child. He has also submitted that two family members of the deceased have been examined as witnesses, during course of trial and they turned hostile.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, I see no reason as to why the similar benefit should not be extended to the petitioner by the learned trial court on the day of her surrender before the court below.

With these observations, the petition is disposed of.

(Nawneet Kumar Pandey, J)

Nirmal/Kundan

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