

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19768 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- MAHUA District- Vaishali

SUNITA DEVI W/O LATE ARVIND SINGH Resident of Village- Paharpur,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nityanand
For the Opposite Party/s	:	Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 325, 420, 354, 376, 511, 504, 506/34 of the Indian Penal Code and later on Section 302 IPC was added.

As per allegation in the FIR, in absence of male members of the informant's family, several accused persons including the petitioner knocked the door of the house saying that they all are police personnel. Unknowingly informant opened the door then accused persons forcefully entered into the house and took the thumb impression on stamp paper with a view to grab their land. It is further alleged that on protest made by the ladies member, they assaulted brutally to the mother-in-law of the informant as a result of which she succumbed to



injuries after 12 days during treatment. Co-accused Veenu Mishra and Uttam Kumar tried to outrage the modesty of the informant's daughter-in-law.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. She has falsely been implicated in this case due to land dispute. Deceased had given dying declaration during treatment before the Investigating Officer which is mentioned in para 5 of the case diary in respect of commission of offence, she did not disclose the name of this petitioner and she also stated that she fell down while she was opening the door. There is no allegation of assault against the petitioner. As per F.S.L. report, it appears that no metallic, alkaloidal, pesticidal or volatile poison could be detected. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. Similarly situated co-accused Sanjeet Kumar has already been granted bail by this court vide order dt. 5.7.2023 passed in Cr. Misc. No. 6983 of 2023. It is further submitted that the petitioner is a lady and she is languishing in judicial custody since 11.12.2022.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



the petitioner, being a lady as well as her period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahua P.S. Case No. 398 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 J.M. 1st Class, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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