

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23715 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- BANIAPUR District- Saran

Maya Kumari D/O Suraj Singh, W/O Dhiraj Singh R/O Village- Serpur, P.S-
Goura, Distt.- Sara (Parental address- Resident of Pithauri Takht, P.S-
Baniapur, Distt.- Saran).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the Informant	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Baniyapur P.S. Case No. 300 of 2022, STr. No. 559/2022 registered on 14.06.2022 for the alleged offences under Sections 341, 323, 302/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, variously armed and making an unlawful assembly came to the house of the informant and some altercation took place and the brother of the informant was stabbed with an iron spear by co-accused Jitendra Singh. Informant and his other family members were also assaulted by lathi and danda by the petitioner and other co-accused persons. The brother of the informant died during the course of his treatment.



4. Learned counsel for the petitioner submits that petitioner is a married lady and she is innocent and has been falsely implicated in this case. There is general and omnibus allegation against all the accused persons except co-accused Jitendra Singh. The informant has lodged the present case as he and his family members are accused in Baniyapur PS Case No. 105/2010 for the murder of the brother of the petitioner and for this reason, even the married daughters have been made accused in this case. The postmortem report of the deceased shows only one injury on chest and the same has been attributed to co-accused Jitendra Singh. The injury report of informant shows injury is simple in nature. The co-accused Suraj Singh and Abhimanyu Singh have been granted bail by a Coordinate Bench of this Court vide order dated 09.02.2023 passed in Cr. Misc. No. 53938 of 2022. The petitioner is in custody since 15.08.2022 and charge-sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the informant submits that petitioner and all other co-accused persons assaulted the informant and his family members causing death of the brother of the informant.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner, a married lady, and further considering her period of custody and the submission of charge-sheet against her, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Saran at Chapra/court concerned in connection with Baniyapur P.S. Case No. 300 of 2022, STr. No. 559/2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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