

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22082 of 2023

Arising Out of PS. Case No.-794 Year-2022 Thana- GAURICHAK District- Patna

Most Gayatri Devi @ Gayatri Devi Wife of Late Tapeswar Ravidas R/V-
Sudiha PS- Gaurichak Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Prasad, Advocate

For the Informant : Mr. Shivnandan Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the Informant and learned APP
for the State.

Petitioner seeks bail, who is in custody since
29.11.2022, in connection with Gaurichak P.S. Case No. 794 of
2022, P.T. No. 4753 of 2022, F.I.R. dated 28.11.2022 registered
for the offences punishable under Sections 302, 120(B), 34
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 28.11.2022 at
about 05:30 A.M. the informant's son namely Birendra Kumar
left home for Arwal to drop the informant on his bike. It was
going backwards because of the bad road. Those who went
ahead and mounted a motorcycle had reached as soon as 500
yards from the house, ten accused persons armed with a hand,
ambushed weapon who stopped him and some accused persons



carrying a country made pistol and some were empty handed. Mani Paswan did the first firing that shot my son in the temple and thereafter his son started running towards home and also the informant left road shouting and ran backwards.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused persons namely Mani Paswan and Subodh Paswan and there is no specific allegation of any assault or overt act attributed against the petitioner and only on the basis of suspicion the petitioner has been implicated in the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.11.2022.

The learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the Informant vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Sub-Judge VI-cum A.C.J.M. VI, Patna City, Patna in connection with Gaurichak P.S. Case No. 794 of 2022, P.T. No. 4753 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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