

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29592 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- DHARHARA District- Munger

1. Helen Devi, Female, 65 years, Wife of Vijay Kumar Yadav R/O- Sundarpur Dih, Bhalar P.S.- Dharhara Dist.- Munger
2. Shivani Kumari, Female, 22 years, Daughter of Vijay Kumar Yadav R/O- Sundarpur Dih, Bhalar P.S.- Dharhara Dist.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Birendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity 'APP') appearing for the State of Bihar.

The petitioners seek bail in connection with S.T. No. 94/2022 arising out of Dharharara P.S. Case No. 05/2022 registered for the offences punishable under Sections 302/323, 379, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are female family members of the Vijay Kumar Yadav. It is alleged that in the background of his subsisting dispute regarding partition of property, the co-accused Vijay Kumar Yadav along with the petitioners, and Preeti Devi have killed the informant's son. It is alleged that they have all assaulted by means of '*gadasa*'.

It is further submitted that the post-mortem was conducted at 05:25 P.M. The allegation is alleged to have occurred somewhere between 03:00 -03:30 P.M., and First Information Report (for brevity 'F.I.R.') has been lodged at 09:45 P.M., after the injuries have been



ascertained by the prosecution party. Taking advantage of the injuries all the family members including the petitioner No. 1, wife of Vijay Kumar Yadav, aged about 65 years as well as petitioner No. 2, daughter of Vijay Kumar Yadav, who is a student pursuing her career, have also been implicated. It is submitted that the allegations stand corroborated by the injuries that have been found in the post-mortem report. Also, the specific allegation of assault is against these petitioners.

Petitioners are in custody since 11.01.2022.

Learned APP as well as learned counsel for the informant has opposed the prayer for bail.

Considering the rival submissions, the time of the F.I.R. vis-a-vis the time of the post-mortem and the incarceration of the petitioners since 11.01.2022, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-V, Munger, in connection with S.T. No. 94/2022 arising out of Dharhara P.S. Case No. 05 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour



his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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