

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34629 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- CHENARI District- Rohtas

Prabhawati Devi Wife of Kedar Tiwary Resident of village - Tetari, P.S. -
Chenari, Distt. - Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chenari P.S. Case No. 56 of 2023 dated 14.02.2023, instituted
for the offence punishable under Sections 302/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that the
informant's father had two wives. The first wife had one son,
namely, Manoj Tiwari and second wife has two daughter,
namely, Kumud Pathak (informant) and Meenal Pandey. After
the death of her father and his first wife, Manoj Tiwari and
informant's agnates deprived informant's mother from family
properties. So, informant's mother filed a Title Suit and the
learned court appointed advocate commissioner, and thereafter,



the suit land was to be measured by Advocate Commissioner. The measurement for land was scheduled on 12.02.2023 at about 10.11 A.M., informant's mother along with her learned advocate reached at the disputed land where petitioner along with other co-accused persons had gathered and other named co-accused persons assaulted informant's mother with knife and Gadasa which caused her death.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that petitioner is old lady aged about 65 years suffering from old age ailment. Learned counsel for the petitioner submits that the petitioner was only present at the place of occurrence when the alleged occurrence took place. Learned counsel for the petitioner submits that there is no specific allegation against the petitioner. It is submitted that the present occurrence took place on 12.02.2023 but the F.I.R. was lodged on 14.02.2023 with delay of two days without any reasonable explanation. As per the F.I.R. itself, petitioner was only member of unlawful assembly without any allegation of specific overtact. Lastly, it has been submitted that the petitioner is in custody since 19.03.2023 having no criminal antecedents. Charge-sheet has been



submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rohtas at Sasaram, in Chenari P.S. Case No. 56 of 2023.

(Khatim Reza, J)

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