

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34893 of 2022

Arising Out of PS. Case No.-175 Year-2020 Thana- MAJORGANJ District- Sitamarhi

NAGINA DEVI Wife of Nageshwar Mahto R/o village - Laldasi, P.S.-
Mejorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-01-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 302, 354, 504/34
of the Indian Penal Code.

According to prosecution case, the husband of the
informant is said to have been assaulted by the petitioner and
others by means of deadly weapon like iron rod, lathi, danda etc.
as a result of which he sustained severe injuries and died during
course of treatment

Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been
implicated in the present case. He further submits that the date



of occurrence as alleged in the F.I.R. is 13.11.2020 and after the postmortem report the present F.I.R. has been instituted on 14.11.2020. He further submits that as per F.I.R. neither informant nor any villagers entered inside the campus and then how they seen the petitioner has assaulted with the iron rod to the deceased. He further submits that the petitioner is lady and she is a government teacher. He further submits that the charge has been framed on 03.01.2023 and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Nageshwar Mahto has been granted bail by this Court vide order dated 18.07.2022 passed in Cr. Misc. No. 47724 of 2021 and co-accused Ajay Kumar has been granted bail by this Court vide order dated 25.01.2023 passed in Cr. Misc. No. 66041 of 2022. The petitioner is in custody since 05.05.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the postmortem report support the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mejorganj P.S. Case No. 175 of 2020, 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 witnesses, 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 antecedent, 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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