

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35588 of 2022

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

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Priti Devi W/O- Kunadan Kumar Yadav R/O- Vill- Bari Ballia, P.S.- Ballia,
Dist.- Begusarai, Although Made Accused In The Case As Priti Devi D/O-
Vijay Kumar Yadav, R/O- Vill- Sundarpur Dih, Bhalar, P.S.- Dharhara, Dist.-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 47887 of 2022

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

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Vijay Kumar Yadav S/O Late Mohan Yadav Resident of village- Sundarpur
Dih, Bhalar, P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

(In CRIMINAL MISCELLANEOUS No. 35588 of 2022)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47887 of 2022)

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 13-03-2023 Both the criminal miscellaneous petitions have arisen out

of the same police station case number, hence they are being

heard together and disposed of by a common order.

Heard learned counsel for the petitioners, learned counsel

for the informant and the learned APP for the State.

Petitioners seek regular bail in connection with Dharhara

P.S. Case No. 05 of 2022 registered for the offences punishable

under Sections 302, 323, 379 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that these petitioners assaulted the informant's son by means of '*gadasa*' at his neck and forehead.

The main submissions advanced by learned counsel for petitioners are that the petitioner Priti Devi has been languishing in jail since 11.01.2022, she has a child aged about one year being looked after by her parents-in-law and as per the FIR she was alleged to have assaulted at the neck of the deceased but as per the *post-mortem* report no injury on the neck of the deceased was found and therefore the allegation concerned to the petitioner made in the FIR is not corroborated by the medical opinion and two co-accused persons namely, Helen Devi and Shivani Kumari who were also alleged in the FIR to have assaulted the deceased by means of *gadasa* have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 29592 of 2022 and the case of this petitioner stands on better footing from the said co-accused persons as firstly, the allegation concerned to her is not corroborated by the medical opinion and secondly, her child aged about one year is being looked after by her parents-in-law. Further submission is that the petitioner Vijay Kumar Yadav has been languishing in

jail since 11.01.2022.

Learned counsel for the informant and learned APP for the State have vehemently opposed the bail prayer and it is submitted by the learned counsel for the informant that trial of the petitioners is at final stage and all the prosecution witnesses except Investigating Officer have been examined and the Examination-in-Chief of the Investigating Officer has also been done and his cross-examination is to be made by the defence and there is specific allegation against both the petitioners in the FIR and the deceased who happened to be practicing advocate was brutally murdered and on his body several sharp cut injuries were found.

Considering the seriousness of the allegation and mainly the specific role of the petitioners mentioned in the FIR, in my opinion, it is not a fit case for bail to the petitioners at this stage. Accordingly their prayer for bail stands rejected.

The petitioner Preeti Devi is given liberty to renew her bail prayer after one month if her trial is not concluded in the said period.

(Shailendra Singh, J)

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