

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35721 of 2022

Arising Out of PS. Case No.-163 Year-2019 Thana- JALALGARH District- Purnia

1. MANICHR RISHI Son of Moti Rishi Resident of Dadarghat Mishri Nagar,
P.S.- Jalalgarh, District - Purnea
2. Rekha Devi @ Rikki Devi Wife of Manichr Rishi Resident of Dadarghat
Mishri Nagar, P.S.- Jalalgarh, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 23-01-2023 Heard the learned counsel for the petitioners
and the learned APP for the State.

The petitioners seek regular bail in connection with Jalalgarh P.S. Case No. 163 of 2019 in S.T.No. 136 of 2020, registered for the offence punishable under Sections 341, 323, 324, 325 and 302/34 of the Indian Penal Code.

The allegation is regarding the petitioner no. 1 having stabbed the brother-in-law of the informant in his stomach leading to his subsequent death. As far as the petitioner no. 2 is concerned, it has been alleged that she had



caught hold of the hands of the deceased.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 7.2.2020. The learned counsel for the petitioners has further submitted that on the spur of the moment, on account of heated arguments, the alleged occurrence had taken place resulting in unfortunate death of the deceased, hence, the petitioners be granted benefit of doubt for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials on record, this court finds that as far as the petitioner no. 1 is concerned, there is a direct allegation of him having stabbed the brother-in-



law of the informant resulting in his death, however, as far as the petitioner no. 2 is concerned, she has not been alleged to have engaged in any sort of overt act, hence, though I deem it fit and proper to reject the prayer of the petitioner no. 1 for grant of bail, but I deem it fit and proper to admit the petitioner no. 2 to the privilege of bail.

Accordingly, the above named petitioner no. 2 is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Purnea in connection with S.T.No. 136 of 2020 arising out of Jalalgarh P.S.Case No. 163 of 2019.

(Mohit Kumar Shah, J)

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