

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42886 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- BANMANKHI District- Purnia

Sita Devi W/O Dilip Yadav R/O Village- Pipra, Ward No. 03, Ps. Banmankhi,
Dist. Purnea.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two
weeks from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Banmankhi P.S. Case No. 12 of 2023 registered on 15.01.2023
lodged under Sections 147, 148, 149, 323 and 302 of the I.P.C.

4. As per the prosecution case, F.I.R. has been lodged
against 9 named accused persons, against whom general and
omnibus allegation has been made that they came to the house
of the informant with iron rod, lathi khanti etc. and started
assaulting the informant and her family members, due to which
injury took place on the head of mother-in-law of the informant
and she succumbed to death.

5. Counsel for the petitioner submits that cause of dispute between parties is land, which has already been disclosed in the F.I.R. He submits that other similarly situated co-accused person has been granted bail by the Coordinate Bench of this Court vide order dated 07.07.2023 in Cr. Misc. No.34255 of 2023.

6. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 04.04.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 12 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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