

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39933 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- KATEYA District- Gopalganj

SUSHILA DEVI WIFE OF LAXMI RAM BANKATIYA TOLA TAAR, PS-
KATEYA, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP
For the Informant :	Mr. Akshay Ashish, Advocate
	Mr. Prinay Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kateya P.S. Case No.108 of 2023 registered for the offence
under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504
and 506 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 11.03.2023.

4. The allegation against the petitioner is to
commit murder of the son of the informant, along with other 19
named co-accused persons, by assaulting with '*Farsa*', rod, etc,
where, occurrence arises out of land dispute.

5. Learned counsel appearing on behalf of the



petitioner submitted that implication of this petitioner being wife of co-accused, namely, Laxman Ram, who alleged to be an order giver to main co-accused, namely, Rudal Ram, against whom specific allegation of fatal assault is available, causing death of the son of the informant. It is submitted that allegation as regard to assault against this petitioner is very much general and omnibus without attributing any overt act. While concluding the argument, it is submitted that petitioner is a lady of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that petitioner actively participated during the occurrence.

7. Considering the facts and circumstances as mentioned above, as no specific overt act *qua* physical assault appears against this petitioner, who is a lady of clean antecedent, where allegation of fatal assault is specifically available against co-accused, namely, Rudal Ram, as per version of informant, who is claiming to be an eye-witness of occurrence coupled with the fact that charge-sheet has already been submitted,



where, petitioner is in custody since 11.03.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No.108 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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