

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40318 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- CHENARI District- Rohtas

Sabaya Devi, Wife Of Ashok Tiwari @ Mantu Tiwari Village Tetari P.S.
Chenari District Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh- Sr. Advocate
		Mr. Bhaskar Shankar- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-07-2023 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Section 302/ 34 of the Indian Penal Code.
3. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that his father had two wives. From the first wife, one son namely, Manoj Tiwari was born and from the second wife, the informant and Meenal Pandey were born. It is next alleged that after her father's death Manoj Tiwari and other relatives deprived her mother of her share in the property of her father. For which, her mother had



filed a Civil Case in Year 2008. It is next alleged that a measurement of the land was to be done on 12.02.2023 and further alleges that on the date of measurement, Dhananjay Tiwari, Manoj Tiwari, Vishal Tiwari and Haridwar Tiwari assaulted her mother with knife on instigation of Kedar Tiwari leading to her death.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case being sister-in-law (Nanad) of the informant. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of committing of any overt act is alleged against the petitioner. It is further submitted that specific allegation of assault is against the named accused persons. It is next submitted that informant is not an eye witness to the occurrence and the F.I.R. has been instituted two days after the occurrence based on an information provided to the informant.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rohtas at Sasaram in connection with Chenari P. S. Case No.56 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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