

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55923 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- MASHRAK District- Saran

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1. Urmila Devi, aged about 41 years, Female, W/o Kanhiya Ram R/V- Barwaghat, P.S.- Mashrakh, Distt- Saran at Chapra.
 2. Nitu Kumari, aged about 21 years, Female, D/o Kanhaiya Ram R/V- Barwaghat, P.L.S.- Mashrakh, Distt-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Adv.
For the Stateq : Mr. Herendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Mashrakh P.S. Case No. 146 of 2022 registered for the offence punishable under Section 341, 323, 302/34 of the Indian Penal Code (for brevity 'IPC').

First Information Report (for brevity 'F.I.R') alleges that six (6) persons, including the petitioners have come within the informant's house, variously armed with '*lathi*', '*danda*', etc., and intimidated the informant to vacate the house along with his wife, claiming ownership of the land. Thereafter, it is alleged that the informant's wife, as well as the informant have been beaten leading to death of his wife.

Learned counsel for the petitioners submits that the petitioners are female members of the family where implication is motivated by the subsisting property dispute which is evident from the F.I.R. itself. In the F.I.R., specific allegation of assault upon the wife is against the 'Rajesh Ram' and the informant is stated to have been assaulted by 'Kanhiya



Ram'. There is no allegation of assault against the petitioners. Petitioners are in custody since 03.04.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of allegations, petitioners are female, clean antecedents and investigation being complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Saran at chapra, in connection with Mashrakh P.S. Case No. 146 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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