

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58480 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Yamuni Kuwer Wife Of Late Mangaru Singh R/O Village - Sondha, P.S.- Adhaura, District - Kaimur At Bhabua
2. Sukau Singh Son of Late Mangaru Singh R/o village - Sondha, P.S.- Adhaura, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 302/34 of the Indian Penal Code.

It is alleged against petitioner No. 1 that she

assaulted the husband of the informant with slipper

whereas it is alleged against petitioner No. 2 that he

assaulted the husband of the informant with lathi and

also pressed his chest by climbing upon him due to

which the husband of the informant sustained injuries

and on way to hospital, he succumbed to the injuries.



It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The petitioner No. 1 is an old lady aged about 70 years and in the background of some hot exchange of talk, in the spur of the moment, the occurrence took place. The informant is not an eye witness to the occurrence. The petitioners are languishing in custody since 29.07.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners and submitted that petitioners have assaulted the deceased and due to assault made by petitioner No. 2, the husband of the informant died. The independent witnesses have also supported the case of the prosecution.

Considering the fact that there is specific accusation against petitioner No. 2 namely Sukau Singh



that he assaulted with lathi and pressed the chest of the husband of the informant who subsequently succumbed to the injuries, this Court is not inclined to grant privilege of bail to the petitioner No. 2 namely Sukau Singh.

The prayer for grant of bail to the petitioner No. 2 stands rejected.

So far as petitioner 1 Yamuni Kuwer is concerned, since no specific over act is alleged against her and she being lady aged about 70 years and her period under incarceration, let the petitioner No. 1, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Adhoura P.S. Case No. 21 of 2022.

(Sunil Kumar Panwar, J)

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