

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60712 of 2022

Arising Out of PS. Case No.-514 Year-2022 Thana- BARACHATTI District- Gaya

1. Jageshwari Devi @ Javeshari Devi , female, aged about 67 years, W/O Jagdeo Paswan Resident of Village- Bank, P.S.- Barachatti, District- Gaya.
2. Shobha Devi, female, aged about 30 years, W/O Rajesh Paswan Resident of Village- Bank, P.S.- Barachatti, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Barachatti PS Case No. 514 of 2022 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The informant's goat went grazing in the fields of the family members of the petitioners, whereafter, it is alleged that petitioners along with other named co-accused persons have assaulted the mother-in-law of the informant as well as the informant.

Learned counsel for the petitioners submits that the parties are known to each other. The '*fardbeyan*' has been recorded two days after the alleged occurrence whereas the First Information Report (*for brevity FIR*) has been registered even two days thereafter on 22-06-2022. The said delay manifests false implication of the petitioners. The petitioners are female family members and over subsisting disputes between the parties they have been implicated. The petitioners also have no antecedents and they are in custody since 29-08-2022. It is also submitted that even otherwise the



petitioners would be entitled to benefit under proviso to Section 437 of the Code of Criminal Procedure .

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

Considering the rival submissions, period of custody of the petitioners and clean antecedents 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 Additional Chief Judicial Magistrate 1st Sherghati, Gaya, in connection with Barachatti PS Case No. 514 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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