

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63343 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Guriya Devi, Wife Of Ajit Narayan Singh, R/O Vill.- Mathanpura, Harpur,
P.S.- Baniyapur, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the informant	:	Mr. Vijay Kumar Shrivastava, Advocate
For the Opposite Party/s	:	Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-04-2023 Heard Mr. Radha Mohan Singh, learned counsel appearing on behalf of the petitioner, Mr. Vijay Kumar Shrivastava, learned counsel appearing on behalf of informant and Ms. Asha Devi, learned A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with Chapra Muffasil P.S. Case No. 427 of 2022, registered under Sections 147, 148, 149, 323, 324, 326, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 10.06.2022 at about 5.30 P.M., accused persons named in the F.I.R. including the petitioner variously armed with weapons came and attacked on the family members of the informant. Co-accused Baidhyanath Singh fired from license rifle on



brother of the informant Amit Kumar Singh as a result he sustained injury on his left leg and left hand. Co-accused Kedar Singh fired from pistol causing injury in the abdomen of father of the informant. Co-accused Rupesh Kumar Singh @ Kali, Shambhu Singh and Nitesh Singh @ Bhodu started indiscriminate firing from pistol on the informant due to which he sustained fire arm injury on his right thigh and left palm. Co-accused Chandan Kumar Singh @ Prince caused fire arm injury in the left thigh of his uncle Dhanesh Singh. Co-accused Sunaina Devi, Indu Devi, Om Prakash Singh, Golu Kumar and the petitioner assaulted his brother Amarjeet with rod, Farsa and Lathi during which co-accused Om Prakash Singh caused injury with Farsa on his head. On the sound of firing villagers assembled then accused persons fled away.

4. Learned counsel appearing on behalf of the petitioner submitted that there is specific allegation of murder against co-accused Kedar Singh. There are two Guriya Devi named in the F.I.R. The petitioner is a married lady and she is living along with her husband at Harpur. P.S. Baniyapur, District-Saran at Chapra. The petitioner, being daughter of Baidhyanath Singh, has falsely been implicated in this case. The co-accused Guriya Devi has already been released on bail



taking into consideration benefit of doubt in absence of any specific allegation made in the F.I.R. to the effect that it is the petitioner, who had assaulted the informant's brother, who sustained grievous injury. Learned counsel for the petitioner further submitted that from perusal of the F.I.R. itself it appears that the brother of the informant was assaulted by five co-accused persons and there is no specific allegation of assault against the petitioner that it is the petitioner, who caused injury on the body of the informant's brother.

5. Mr. Vijay Kumar Shrivastava, learned counsel appearing on behalf of the informant submitted that petitioner had participated in the alleged commission of offence and she is daughter of co-accused Baidhyanath Singh, who had actively participated in the occurrence.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having heard the rival submission of the parties, specific allegation of murder is against co-accused Kedar Singh. There are two Guriya Devi and one Guriya Devi has already been released on bail. It is not specific in the F.I.R. that out of two Guriya Devi, who had assaulted the brother of the informant. Even considering the material and the perusal of the



F.I.R. it appears that brother of the informant had sustained multiple injuries of assault allegedly by five named accused but no specific allegation has been made against anyone. The allegation against the petitioner being general and omnibus in nature, prima facie it appears that the petitioner has made out a case to be released on pre-arrest bail.

8. Let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 427 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

9. It is made clear that in case the petitioner does not co-operate in conduct of the trial and she does not appear on the date fixed by the trial Court for recording her statement, without any valid reasons, this order shall loose its force automatically.

(Purnendu Singh, J)

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