

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65123 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

INDU DEVI Wife of Nagad Narayan Ram R/v- Nawanagar Nizamat, P.S.-
Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in brief, as per the F.I.R. is that the informant along with her husband was in the house on 05.07.2022 at 7 hours in the morning, when the accused Biju Ram, Bigu Ram and Indu Devi (petitioner) came there and after entering into her house, accused Biju Ram took out a pistol and fired on her husband causing injury on his chest and on her hulla, Hira Kumar and Rahul Kumar came there and they took him for treatment to Primary Hospital where he was declared dead.



Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that there is admitted land dispute between the parties with regard to the construction of toilet. He further submits that it appears from the F.I.R. that there is direct allegation against the co-accused person namely, Biju Ram who fired upon the husband of the informant. He further submits that there is no specific allegation of any assault or overt-act against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sahebganj P.S. Case No. 303 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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