

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66912 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- AURAI District- Muzaffarpur

Sheela Devi Wife of Prabhu Ram Resident of Village- Dhasna, P.S.- Aurai,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Advocate
For the Informant	:	Mr. Ajit Kumar, Advocate
For the State	:	Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jitendra Prasad Singh, learned counsel for the petitioner; Mr. Ajit Kumar, learned counsel for the informant and Ms. Sangeeta Sharma, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Aurai P.S. Case No. 133 of 2022, registered for the offences punishable under Sections 307,323,337,338,302/34 of the Indian Penal Code.

Allegedly, on 09.07.2022 while the informant was sleeping in her *angan* in the meantime on account of some dispute regarding demarcation of the land, all the accused persons started abusing the informant and her husband upon which the husband of the informant went to the roof of the house and there upon all the accused persons assaulted him by



means of *lathi* and bamboo stick. It is further alleged that co-accused Ram Prasad Ram with the help of others thrown the deceased from the roof, who later on succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the wife of the brother of the deceased and on account of land dispute a free-fight has taken place in the family due to which the deceased fallen from the roof accidentally and death has occurred. He further submits that so far the petitioner is concerned the only allegation against her is that she caught hold of the hair of the informant and pushed her. Learned counsel submits that specific allegation has been levelled against other co-accused persons, apart from the fact that she being a lady is in custody since 31.08.2022.

On the other hand learned counsel for the informant vehemently opposed the bail application and submits that the petitioner has actively participated in causing the death of the husband of the informant.

Learned counsel for the State has also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation, coupled with the fact that the petitioner being a lady is in



custody since 31.08.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (East) in connection with Aurai P.S. Case No. 133 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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