

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66870 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SARAI District- Vaishali

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1. Sangeeta Devi @ Aniya Devi, W/o Vinod Sah R/o Village- Shital Bhakurahar, P.S.- Sarai, Distt- Vaishali.
 2. Srishanti Devi @ Janki Devi, W/o Lachhman Sah R/o Village- Shital Bhakurahar, P.S.- Sarai, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-01-2023 This case is listed for hearing out of turn on account of mentioning that the lady petitioner no. 2 aged about 70 year is seriously ill and is suffering from diabetes, hyper tension and mental disorders and is unable to do even her routine work in jail.

Heard Ld. counsel for the petitioners and Ld. APP for the State.

The petitioners seek bail in connection with Sarai P. S. Case No. 201 of 2021, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.



The prosecution story as emerges from the FIR is that on 24.07.2021 at about 05.00 P.M., the informant along with his brother, Suraj Kumar and sister Kamali Devi had gone to the sasural of his brother Niraj to attend a party. At about 09.30 pm., when they were taking meal, hullah was raised that Suraj Kumar received current from Generator and then Suraj Kumar advised his wife not to go anywhere but his wife abused him, due to which Suraj Kumar slapped to his wife and because of this, the petitioner and his associates got angry and killed the brother of the informant by pressing his neck.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. She further submits that the post-mortem report does not support the allegation of assault and strangulation. As per post-mortem report, the cause of death is cardiac arrest. She further submits that other co-accused persons have been enlarged on bail by different Benches of this Court *vide* orders dated 28.04.2022 and 29.08.2022, passed in Cr. Misc. No. 63877 of 2021 and 32112 of 2022,



respectively.

She further submits that the petitioners have been languishing in jail since 13.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have earlier moved before this Court for anticipatory bail *vide* Cr. Misc. No. 63021 of 2021.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate XVI, Vaishali at Hajipur, in connection with Sarai P. S. Case No. 201 of 2021 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, Ld. court below shall cancel the bail bonds of the petitioners.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below is satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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