

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69836 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- NAUGACHIA District- Bhagalpur

ROSHANI DEVI Wife of Rakesh Kumar Jaiswal @ Rakesh Jaiswal R/v-
Milki Goushala, P.S.- Naugachhia, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.06.2022 in connection with Naugachia P.S. Case No. 150 of
2022, F.I.R. dated 07.06.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per written report of
the informant namely, Juli Devi is that on 07.06.2022 at about
8.00 A.M. when the informant and her husband Mukesh Kumar
Jaiswal @ Dhruv Jaiswal were at home. Earlier informant's
husband had kept some pieces of wood in the courtyard for
which Hira Devi started abusing him. Hira Devi asked to
remove the said wood from courtyard upon which Mukesh
Kumar Jaiswal replied that he had not kept those wood



permanently, he will remove the same at the time of construction of house. In the meantime, Rakesh Jaiswal also arrived on the spot and took the side of Hira Devi and started abusing and assaulting Mukesh Jaiswal. Rakesh Jaiswal knock down Mukesh Jaiswal on the ground, sat on his chest and thereafter Roshani Devi and Hira Devi pressed the testes of Mukesh Jaiswal. They continued to press the testes of Mukesh Jaiswal till he not reached the state of unconsciousness.

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 the present occurrence has taken place due to land dispute and there was no intention to kill the deceased and the allegation as alleged in the F.I.R. does not support the medical evidence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.06.2022.

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 Additional Chief Judicial Magistrate-1st, Naugachia in connection with Naugachia P.S. Case No. 150 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 his absence on two consecutive dates without sufficient reason, his 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 his 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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