

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77196 of 2023

Arising Out of PS. Case No.-285 Year-2023 Thana- NARHATT District- Nawada

JULI DEVI W/o- MANTU SINGH Village- Gangta Ps- Narhat Dist-
Nawadah

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-12-2023 Leaned counsel for the petitioner has filed supplementary
affidavit. Let it be kept on record.

Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Narhat
P.S. Case No. 285 of 2023 registered for the offences punishable
under Sections 341, 323, 307, 354, 337, 338, 504, 506 and 302/34 of
the IPC.

4. As per prosecution case, informant was talking with
her mother in her house meanwhile co-accused, Mantu Singh, came
with the intention to outrage the modesty of informant's mother and
then informant's mother rushed outside, in that course, she fell down
then co-accused Bhola Singh assaulted the informant's mother with
the *khanti* at the back portion of the head. It is further alleged that on
exhortation of co-accused Bhola Singh, co-accused Mantu Singh also



assaulted informant's mother with bricks and stones upon head and other parts of the body and thereafter Juli Devi (petitioner) assaulted informant's mother by means of leg.

5. Learned counsel for the petitioner submits that petitioner has surrendered voluntarily on 19.08.2023 and since then she is rotting in jail custody having two minor children. Petitioner being a lady having no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that specific allegation of assaulting by means of Khanti upon the head of the deceased is against co-accused Bhola Singh and the postmortem report also indicates the cause of death is by virtue of the injury sustained on the head. Learned counsel for the petitioner submits that both parties are agnates and on the flimsy issue of cutting water pipes altercation took place between them. Petitioner being a lady having no say where the two male members of the same family are involved in the said altercation with the informant and her mother. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submit that having role in the said occurrence, petitioner does not deserve bail.

7. Considering the facts and circumstances of the case,



period of custody, petitioner being a lady, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Nawadah or successor court in connection with Narhat P.S. Case No. 285 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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