

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22314 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- GOPALPUR District- Bhagalpur

1. Mira Devi @ Meera Devi, Wife of Narsingh Mahaldar. Resident of Village-Bhim Das Tola, Tintenga, Police Station-Gopalpur (Rangra Out Post), District-Bhagalpur.
2. Vito Mahaldar, Son of Narsingh Mahaldar Resident of Village-Bhim Das Tola, Tintenga, Police Station-Gopalpur (Rangra Out Post), District-Bhagalpur.
3. Rinku Devi, Wife of Garib Mahaldar Resident of Village-Bhim Das Tola, Tintenga, Police Station-Gopalpur (Rangra Out Post), District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, registered on 01.10.2023 for the offences under Sections 147, 149, 341, 342, 447, 302, 504 of the Indian Penal Code.

03. As per prosecution case, over the dispute of extending the projection over the land of the informant, an altercation took place between the informant and petitioner and other co-accused persons which resulted in assaulting of the son of the informant by the petitioners and other co-accused



persons. The son of the informant died in course of his treatment.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner nos. 1 and 3 are ladies and there is no specific allegation against the petitioners for assaulting the son of the informant. Only specific allegation against the petitioner nos. 1 and 3 is that they and other co-accused persons caught hold of the informant and restrained her. The specific allegation of assaulting the son of the informant with a bamboo is against co-accused Monu Kumar. Learned counsel further submits that the petitioners and informant are agnates and next door neighbourer, as is apparent from the FIR itself. Learned counsel further submits that during investigation, no independent witness speaks anything about the assault by the petitioners to the son of the informant and the witnesses, during investigation, also do not support the prosecution case. There is undue delay in lodging the FIR as for the occurrence of 28.09.2023, the FIR has been registered only on 01.10.2023. The petitioners have no role in the whole occurrence still they have been falsely implicated. The petitioners are in custody since 11.12.2023 and charge-sheet has been submitted against them. The petitioners have got no



criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioners and other co-accused persons have been named in assaulting the son of the informant, who lost his life.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner nos. 1 and 3 are ladies and there is no specific allegations against the petitioners and allegation of assault is specific against co-accused Monu Kumar and further considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia, Bhagalpur in connection with Gopalpur (Rangra O.P.) P.S. Case No. 477 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

