

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24718 of 2024

Arising Out of PS. Case No.-328 Year-2020 Thana- VAISHALI District- Vaishali

Usha Kumari @ Usha Devi W/o Randhir Kumar @ Randhir Bhagat R/o vill -
Bhagwanpur Ratti, Tola Rampur Rudra, P.S. - Vaishali, Distt. - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner, in the present case, is seeking

bail in connection with Vaishali P.S. Case No. 328 of 2020

registered for the offence under Sections 147, 148, 149,

341, 323, 324, 427, 504, 506, 307 of the Indian Penal

Code and Section 27 of the Arms Act, later on Section 302

of the I.P.C. was added.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 08.02.2024.

4. The allegation against the petitioner is to open

fire causing fire-arm injuries alongwith other co-accused

persons, where during the course of occurrence, the brother



of informant received fatal injuries. Occurrence is alleged to be founded upon previous enmities arises out of land dispute.

5. Learned counsel appearing on behalf of the petitioner submitted that allegation to cause fatal fire-arm injuries is available against co-accused Manish Kumar @ Chintu causing death of brother of informant, namely, Shardanand Bhagat. It is submitted that only being female member of the family with harassing attitude, the present petitioner has been implicated without having any involvement in the occurrence. It is pointed out that at the time of occurrence, the petitioner was pregnant. Learned counsel further submits that initially the petitioner was granted provisional anticipatory bail, but later on, it was found that she was declared absconder during pendency of the present application, for the sole reason, her anticipatory bail was rejected. While concluding argument, learned counsel submitted that petitioner is a lady and she has been implicated in this case due to land dispute and, moreover, investigation of the case is completed and charge-sheet has



been submitted, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State, while opposing the prayer of bail, submitted that petitioner also actively participated in the occurrence as per narration of F.I.R.

7. Considering the facts and circumstances as discussed above where implication of petitioner appears only being lady member of the family and there is no specific allegation against her coupled with the fact that she is in custody since 08.02.2024, accordingly, petitioner above-named, is directed to 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, Vaishali at Hajipur /concerned Court in connection with Vaishali P.S. Case No. 328 of 2020, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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