

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29898 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- KORHA District- Katihar

Nilam Devi W/o Dilip Mahaldar R/o Makdampur, P.S. - Korha, Distt. -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 302/34 of the Indian Penal Code.

3. As per the FIR, on 14.08.2023, all the accused persons named in the FIR along with some unknown persons arrived at the land of the informant and made construction forcibly. On objection made by the mother of informant, the accused persons brutally assaulted her as a result thereof she died on way to hospital.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and she has committed no



offence. No such occurrence as alleged has ever taken place. She has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is no cogent evidence against her in entire case diary. There is admitted land dispute between the parties. It is further submitted that from bare perusal of the FIR, it appears that the petitioner is not named in the present case, but during the investigation, her name has been transpired. Though the FIR was lodged under Section 302/34 of the Indian Penal Code, but later on charge sheet has been submitted against the petitioner under Section 304 and other allied sections of the Indian Penal Code. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as petitioner is a lady and there is no specific overt act against her, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Korha P.S. Case No. 323 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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