

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33638 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- BANGARA District- Samastipur

Nirmala Devi W/o Harendra Chaudhary R/O Village- Mundipur, P.S.- N.H.
Bangra, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with N.H. Bangra P.S. Case No. 60 of 2023 registered on 14.05.2023 for the offences punishable under Sections 302, 379/34 of the Indian Penal Code.

3. As per prosecution, the FIR has been lodged against three named and one unknown accused persons including the present petitioner. In the FIR, it has been alleged that the son of the accused visited the house of the informant and, thereafter, the mobile became subject to theft. The informant went to the house of the accused where the petitioner along with other accused persons abused him. It has come in the FIR that at about 8:00 PM, the named accused persons and one



unknown person assaulted the informant's son near Nasi Bridge. When they reached there, they found that his son was lying on the ground near the Nasi Bridge and thereafter, he was taken to the hospital where the doctor declared him brought dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that antecedent of the petitioner is clean, the age of the petitioner is about 51 years and she is a lady. He further submits that from bare perusal of the FIR, it becomes crystal clear that the FIR has been lodged on the basis of hearsay witness. The allegation of killing is based only on suspicion, there is no eye witness to the alleged occurrence. He submits that during the investigation, no material has come against the petitioner, rather the mobile which was subject to theft has been recovered from the possession of co-accused Manoj Chaudhary who subsequently confessed his guilt. He submits that petitioner's name has been inserted in the present case by the police only due to the reason that she is mother of co-accused Manoj Chaudhary.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in the case diary, material has come against co-accused, Manoj Chaudhary and not against



the petitioner.

6. In the facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV, Samastipur in connection with N.H. Bangra P.S. Case No. 60 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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