

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50644 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

-
1. MUNNI DEVI WIFE OF MAHENDRA PASWAN R/O-PAHSARA, P.S.-
NAOKOTHI, DISTT.-BEGUSARAI
 2. NITISH KUMAR SON OF GANGESH PASWAN R/O-PAHSARA, P.S.-
NAOKOTHI, DISTT.-BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 30-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Naokothi P.S. Case No. 157 of 2022 dated 23.10.2022 registered for the offence/s punishable u/ss 302 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant got information that some unknown miscreants killed his elder brother by assaulting him brutally with bricks and stones near his house.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been



implicated in this case due to previous land dispute. The petitioner is not named in the FIR. The name of the petitioner has surfaced during the course of the investigation. There is no eyewitness to the alleged occurrence. The petitioner no. 1 is a lady. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. Learned counsel further submitted that as per case diary, it has been clearly stated that the petitioners along with the other co-accused persons assaulted the deceased with lathi, danda and bricks due to that he died.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 1, namely, Munni Devi in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Begusarai in connection with Naokothi P.S. Case No. 157 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application for the petitioner no. 1, namely,



Munni Devi stands allowed.

8. So far as, the petitioner no. 2, namely, Nitish Kumar, is concerned, considering the heinous nature of allegation made against him in the case diary, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner no. 2 namely, Nitish Kumar to surrender before the concerned Court below within six weeks from the date of this order and the learned court below will consider his prayer for regular bail in accordance with law and on its merits without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no. 2 namely, Nitish Kumar stands rejected.

(Chandra Prakash Singh, J)

guddukr/-

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

