

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62324 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- BAIRIYA District- West Champaran

Vishwashi Devi Wife of Rameshwar Mahto Village- Siswa Sareyan, Police
Station- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Bairiya P.S. Case No. 226 of 2024 for the offence punishable under Sections 126, 115(2), 109, 3(5) and 103 of the Bhartiya Nyaya Sanhita, 2023 lodged on 03.07.2024 by the informant, Laal Mohammad Gaddi.

3. As per the prosecution story, the informant alleged that the accused persons entered the orchard and were picking up the mangoes. Upon objection, allegation is that Anand Mahto threw the Sahabuddin Gaddi on the pitch road whereas after Virendra Mahto gave iron rod blow. He was rushed to G.M.C.H., Bettiah and then to Patna. Later he succumbed to the injuries whereafter the murder accusation is also there.

4. Learned counsel for the petitioner submits that



admittedly, the allegation is against Anand Mahto and Virendra Mahto of having throwing the deceased on the ground and later assault by iron rod. This petitioner though named as an accused, has no role to play, is an aged lady of 60 years.

5. Learned APP opposes the prayer for bail.

6. Considering the allegation that has come directly against Anand Mahto and Virendra Mahto, she being an aged lady has no role to play in the matter, remained in custody since 05.07.2024 (para 12 of the petition), let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bettiah, in connection with Bairiya P.S. Case No. 226 of 2024 subject to the following conditions:-

(i). One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates, without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ankit Kumar/-

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