

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62858 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Sushila Devi Wife of Maheshwar Yadav R/O Vill.- Raghunathpur, P.S.- Sahebpur Kamal, Dist.- Begusarai.
 2. Sudha Devi Wife of Pravesh Yadav R/O Vill.- Raghunathpur, P.S.- Sahebpur Kamal, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh, Advocate
		Mr. Rohit Kumar Singh, Advocate
		Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioners, the learned APP for the State and the learned Advocate for the informant.

2. The petitioners seek regular bail, who are in custody in connection with Sahebpur Kamal P.S. Case No. 143 of 2024, registered for the offence punishable under Sections 147, 341, 323, 307, 338, 326, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. Later On Section 302 of the Indian Penal Code was added.

3. Allegedly, on 19.05.2024, while the husband of the informant was indulged in fixing the peg in his cowshed upon



which the petitioners and other came there and were forbidden for fixing the peg by abusing him. When the informant's husband protested, the petitioners and other started brick batting. It is also alleged that, in the meanwhile, petitioner no. 2 went to her house and called the other family members along with illegal arms. There is specific allegation that *Vikash Yadav*, *Shivam Yadav* and *Pravesh Yadav* started indiscriminate firing from his roof. Co-accused *Shivam Yadav* allegedly shot the husband of the informant over his head, which proved fatal.

4. Learned Advocate for the petitioners referring to the FIR submitted that even if the allegation taken to be true, it only reveals that it is the petitioner no. 2, who had called upon other accused persons. So far the petitioner no. 1 is concerned, there is omnibus allegation of brick batting. However, there is no allegation that any person has sustained any injury from the brick batting. So far the allegation of indiscriminate firing is concerned, that has been levelled against other male co-accused person. The reason behind the said occurrence is said to be a *bona fide* land dispute between the parties, giving rise to Title Suit No. 09 of 2019. There is a counter version of the present case being Complaint Case No. 1077 of 2024. The petitioners are female and now they have been incarcerated since



21.05.2024, and the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that both the petitioners have actively participated in the crime. Apart from brick batting, there is allegation that the petitioner no. 2 has called upon the other accused persons, who have caused death of the informant's husband.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioners are lady, who have been incarcerated for over a period of six months and now the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Begusarai in connection with Sahebpur Kamal P.S. Case No. 143 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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