

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69734 of 2024

Arising Out of PS. Case No.-272 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

1.

Nirmala Devi Wife of Darshan Daha Resident of village - Bahadurpur Patori (Balha), Police Station - Patori, District - Samastipur.
2.

Indu Kumari Wife of Jitendra Kumar Resident of village - Bahadurpur Patori (Balha), Police Station - Patori, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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03-10-2024

Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Patory P.S. Case No. 272 of 2024, registered for the offences under Sections 103(1), 126(2), 115(2), 352, 3(5) of the Bhartiya Nyaya Sanhita.

3. As per the prosecution case, petitioners and other co-accused persons assaulted the husband of the informant causing fracture of his head and he was declared dead when taken to the Sub-Divisional Hospital, Patory.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have



been falsely implicated in this case. There is no specific allegation of assault against the petitioners. Rather it has been mentioned that petitioner no. 1 namely, Nirmala Devi received some injury in the occurrence. The specific allegation of assault on husband of the informant by means of iron rod is against co-accused Jitendra Kumar and as petitioner no. 2 is wife of this co-accused, she has been made accused along with her mother-in-law. The petitioners are ladies and it is evident from the FIR that the occurrence took place in the background of drainage of water and there could be no application of Section 103(1) of the Bhartiya Nyaya Sanhita against the petitioners who are in custody since 11.07.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that petitioners and other co-accused persons brutally assaulted the husband of the informant who succumbed to his injuries.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the specific allegation of assault against the co-accused and not against the petitioner who are ladies, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Samastipur/concerned court, in connection with Patory P.S. Case No. 272 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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