

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75690 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- AMDABAD District- Katihar

Buddhi Devi @ Budhi Devi Wife of Gopal Choudhary @ Gopal Chaoudhary
R/O Vill.- Gopalpur Ghishu Tola, P.S.- Sahebganj Muffasil, Dist.- Sahebganj,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Amdabad P.S. Case No. 133 of 2024 for the offence punishable under Sections 126(2), 115(2), 303(2), 351(2), 103(1), 3(5) of Bhartiya Nyay Sanhita, 2023 lodged on 11.07.2024 by the informant, Lalita Devi.

3. As per the prosecution story, the informant alleged that she alongwith her husband was ploughing the field by tractor when the accused persons arrived and started beating the Raiyatdar. As her husband tried to pacify the matter, they turned their guns toward him, brutally assaulted and specific allegation is against Gopal Choudhary of having given 'lathi' blow on the nose, Shiv Ji Choudhary and Nitish Kumar assaulting by sickle



on the leg and hand causing injuries. Ultimately, her husband succumbed to it. This led to the FIR.

4. Learned counsel for the petitioner submits that though the name of the petitioner is there in the FIR alongwith other accused persons, specific role of assault has been attributed to Gopal Choudhary, Shiv Ji Choudhary and Nitish Kumar. She is a lady and has remained in custody since 17.08.2024 (para-15 of the petition).

5. Learned APP opposes the prayer submitting that all the accused persons armed variously came and assaulted the informant's husband causing to his death.

6. The assault theory is there, mainly it is attributed to Gopal Choudhary, Shiv Ji Choudhary and Nitish Kumar which proved fatal, this petitioner is lady and is in jail since 17.08.2024 and no specific role has been attributed to her, this Court is inclined to extend her the privilege of bail with conditions.

7. 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 Judicial Magistrate-1st Class, Katihar, in connection with Amdabad P.S. Case No. 133 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative 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 her 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 her bail bonds.

(Rajiv Roy, J)

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