

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1192 of 2024

Arising Out of PS. Case No.-211 Year-2022 Thana- GURUA District- Gaya

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1. MUNKI DEVI W/O DUKHI MALLAH R/O VILLAGE- USEVA, P.S.- GURUA, DIST.- GAYA
 2. JUGESH KUMAR @ JUGESH MALAH SON OF DUKHI MALLAH R/O VILLAGE- USEVA, P.S.- GURUA, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 302, 504, 34 of the Indian Penal Code.

3. Allegedly, after some altercation, all the accused persons including the petitioners are said to have assaulted the informant's husband brutally with deadly weapons due to which he died during the course of his treatment.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to



ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. From bare perusal of FIR, it appears that the sole allegation of having given an iron rod blow is on co-accused Rajesh Manjhi. There is no specific overt act against the petitioners. They have no criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the State opposes the prayer for bail and submits that the postmortem report of the deceased has supported the prosecution case as several injuries were found over the body of the deceased. Hence, both the petitioners do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as petitioner no.1 is a female, let the above named petitioner no.1, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gurua P.S. Case No. 211 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



7. However, petitioner no.2 was actively involved in the alleged occurrence, I am not inclined to enlarge petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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