

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45784 of 2025

Arising Out of PS. Case No.-457 Year-2024 Thana- AAJAM NAGAR District- Katihar

Kamlesh Devi, W/o- Mishrit Vishwas, R/o Village- Baghoura Kabutar Khoki
Barimatpur P.S. Azamnagar District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :		
For the Petitioner/s	:	Mr. Arun Kumar Mandal, Advocate
For the Informant	:	Mr. Harish Chandra Patel, Advocate
		Mr. Dhananjay Kumar Gupta, Advocate
		Mr. Atul Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-10-2025 Heard Mr. Arun Kumar Mandal, learned counsel for the petitioner, Mr. Harish Chandra Patel, learned counsel for the informant and Mr. Upendra Kumar, learned APP for the State.

2. Petitioner seeks regular bail in connection with Azamnagar P.S. Case No. 457 of 2024 dated 12.12.2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 329(3), 126(2), 115(2), 117(2), 103(1), 109, 352, 351(3) of the Bharatiya Nayaya Sanhita.

3. The main submissions advanced by the petitioner's counsel are that the petitioner is a 52-year-old lady and has been languishing in jail since 13.12.2024 in the present matter and as per the allegation, the petitioner's son's goat went into the field



of the informant and started grazing the informant's garlic crop, which is not believable, as in the normal course, a goat or any other animal does not graze garlic crops, however, as per the prosecution story, the petitioner is simply alleged to have assaulted the informant's sister-in-law (*nanad*) by means of a *lathi*, which is the specific allegation against this petitioner and she is not alleged to have assaulted the deceased, who happened to be the father-in-law of the informant. It is further submitted that the prosecution story narrated in the FIR clearly shows that the alleged occurrence was not preplanned, if the prosecution story is to be believed and the same can be deemed to have taken place in the spur of the moment on account of the petitioner's son's goat grazing the garlic crops. It is lastly submitted that the informant's sister-in-law sustained simple injuries and it is not alleged that the petitioner repeatedly assaulted her and the alleged weapon used by the petitioner in assaulting the said victim does not come within the purview of a fatal weapon.

4. On the other hand, the learned counsel appearing for the informant submits that the petitioner was involved in the commission of the alleged occurrence, which resulted in the death of the informant's father-in-law, and there is serious



allegation against her.

5. In the facts and circumstances of this case, considering the aforementioned facts and mainly the petitioner’s custody period and the nature of the allegation appearing against her from the FIR, as well as the completion of the investigation against her, this Court is inclined to release her on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Azamnagar P.S. Case No. 457 of 2024.

(Shailendra Singh, J)

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