

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52334 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- KARAHGAR District- Rohtas

VIBHA DEVI @ BIBHA DEVI W/o Bhuneshwar Pandey R/o village-
Khurhuriya, P.S.- Kargahar, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65261 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- KARAHGAR District- Rohtas

BHUNESHWAR PANDEY Son of Bikarama Pandey Resident of Village-
Khurhuriya, P.S.- Kargahar, District- Rohtas(Bihar) Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52334 of 2022)

For the Petitioner/s : Mr.Y.C. Verma, Sr. Adv.

Mr. Subhen Sarkar

For the Opposite Party/s : Mr.Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 65261 of 2022)

For the Petitioner/s : Mr.Subhen Sarkar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Sections 302, 120(B), 34 of the Indian
Penal Code.

As per allegation in the FIR, over a partition dispute,
petitioner Vibha Devi assaulted on the head of the informant's
wife with silouti (grinding stone) and petitioner Bhuneshwar



Pandey along with other accused persons assaulted her by means of lathi danda due to which she received head injury. Informant brought her to Sadar Hospital for treatment and from there, for better treatment, she was referred to Trauma Center Varanasi but she died on way to hospital.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. Both parties are agnates and residing in the same premises. A Panchayati was held to resolve their partition dispute. After conducting panchayati, member of the informant side started to put pressure upon Bikrama Pandey (father-in-law) of the petitioner upon which he protested to sign without going through the material contained in panchayati paper. Then the members of informant side assaulted him by iron rod resulting into his head injury. On alarm being raised by him, her daughter-in-law (petitioner Bibha Devi) came there to rescue him but she was also assaulted by them. On gathering of vicinity people, they fled away with threatening the informant's family and then, Kargghar P.S. Case No. 245 of 2022 was instituted on 25.6.2022 by the petitioners against members of the informant. The present case is counter blast of earlier case. On hearing the earlier case lodged by the petitioner against the members of



informant side, then they hurriedly tried to escape and in that course, deceased who was sitting on motorcycle as pillion rider, which was being driven by her son, met with an accident and deceased fell down and received injury and later on died. Petitioners have no criminal antecedent. They are languishing in judicial custody since 12.7.2022.

The application for bail is vehemently opposed by learned APP for the State and learned counsel for the informant and submitted that as per postmortem report, victim died due to hemorrhage and shock leading to CR failure ultimately death caused by hard and blunt substance.

Having heard learned counsel for the parties and considering the period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 246 of 2022.

(Sunil Kumar Panwar, J)

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