

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21365 of 2015

Arising Out of PS.Case No. -101 Year- 2012 Thana -CHAKAMHESI District- SAMASTIPUR

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Lalita Devi wife of Ranjeet Thakur Resident of Village - Shivnagar, P.S. -
Chakmeshi, District - Samastipur.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mr. S.D. Singh Yadav (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending his arrest in a case
instituted under Section 302/34 of the Indian Penal Code.

The prosecution case, in short, is based on fard-
beyan dated 26.11.2012 of Punam Devi given to officer-incharge
of Chakmehsi police station at her Darwaza alleging in that she
was living in a joint family headed by her father-in-law who
about 6 months earlier registered 10-12 katha land to her husband
for which dispute was continued for the last 6 months in between
the husband of the informant and her “Devar”.

It has further been alleged that on 25.11.2012
Kapileshwar Thakur, the father-in-law of the informant had gone



to Hajipur for taking a bath in Ganga therefore the husband of the informant was slept alone on Darwaza. At the mid night the informant woke up after hearing the hue and cry of her husband. The informant wanted to come out from the room but the room was closed from outside, however, the informant felt that her Devar Ranjeet Thakur and his wife namely the petitioner were abusing and assaulting her husband then the informant flashed torch from window and saw that the both accused persons were engaged in dashing the head of the husband of the informant on “Okhli” upon which the informant raised alarm then the Mohalla people came and opened the room of the informant.

It has further been alleged that the husband of the informant also narrated the fact that he was assaulted by his brother and his wife. The villagers started giving first aid because due to night it was difficult to treat the husband of the informant outside village, however in the morning at about 5 am Shanker Thakur, the brother-in-law of the informant was informed on phone who came at about 7 am then the husband of the informant was brought in the clinic of Doctor V.K. Mishra who referred the husband of the informant was referred to Patna but in Hajipur the husband of the informant died which has been confirmed by a local doctor in Hajipur.

On behalf of the petitioner, it has been submitted that the petitioner is a lady and has no criminal antecedent. It has further submitted that the husband of the petitioner was also made accused in this case but subsequently he has been acquitted in this case Vide Sessions Trial No. 183 of 2013. It has further submitted that the petitioner has falsely been implicated in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts that in which some other accused have been acquitted. The husband of the petitioner has been acquitted by the Trial Court, let the above named petitioner, in the event of his arrest or surrender in the Court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned of Chief Judicial Magistrate, Samastipur in connection with Chakmehsi P.S. Case No. 101 of 2012, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sudhir Singh, J.)

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