

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47246 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Dr. Amita Bharti, wife of Dr. Pravin Kumar Jha, Resident of Advance Orthopedic and Maternity Centre in front of Patliputra Station, near Water Tower, Gandhi Nagar, P.S. Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh - 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-10-2015

The matter has been listed out of turn on the prayer of learned counsel for the petitioner since the petitioner being lady is a senior doctor.

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 149, 447, 448, 323, 341, 308, 504 and 506 of the Indian Penal Code.

The prosecution case is that the petitioner and her husband threw some blood stained cloth on the roof of the house of the informant, adjacent to the nursing home of the petitioner. On 09.07.2015, at 7.30 pm, when the informant made complaint, then husband of the petitioner called some unknown criminals and

assaulted the informant and her daughter. On alarm being raised, when neighbour of the informant namely, Pushpendra Kumar Singh and others, came to rescue then husband of the petitioner assaulted on his head with wood-channel when he fell down then this petitioner assaulted on his left shoulder with plank of bamboo.

It is submitted by learned counsel for the petitioner that the informant used to demand for extortion. On 09.07.2015, at 6.00 pm, the informant's side created nuisance at the nursing home of the petitioner and damaged the glass of the vehicle of the husband of the petitioner leading to registration of Rajivnagar P.S. Case No.162 of 2015 by the husband of the petitioner levelling accusation under section 147/149/323/447/341/385/427/354/504/506 of the Indian Penal Code, against three persons and, thereafter, the present case has been filed as retaliatory measure. Moreover, a statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the nature of accusation, the case was lodged by the petitioner's side at earlier point of time and the petitioner being lady having no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period

of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Rajeev Nagar P.S. Case No.164 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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