

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35328 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

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Sarita Devi, Wife of Jurain Yadav, Resident of Village Tika Rampur
Adarash Gram, P.S. Muffasil, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy(App)

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CORAM: HONOURABLE MR. JUSTICE DHARNIDHAR JHA
ORAL ORDER

2 11-02-2015

Heard.

If it could not be the best case to be handled by a Magistrate enjoying powers of taking cognizance then there could be none. General allegations of assaulting with iron rod or brick bats were topped by a specific allegation against this petitioner who is a lady of snatching a gold ornament from the neck of one Kare Lal Yadav.

The submission is that there is a counter version also and that case was also registered almost under the same bailable sections of the Indian Penal Code except Section 307.

This Court wants to point out to the Magistrate who hears the bail petition of the petitioner on her surrender that individual allegation appearing against an accused is the hallmark for considering the prayer for bail and as may be found by the

Magistrate this petitioner is not said to have given any blow either to the informant or to anyone by any weapon. This was the reason that the Court was holding that if it could not be a case to be handled by a Magistrate then there could be none.

Let petitioner Sarita Devi surrender and pray for bail and the lower court shall act in the light of the observations made herein.

The petition for anticipatory bail in connection with Muffasil P.S. Case No. 76 of 2014 pending before the learned S.D.J.M., Munger stands disposed of.

(Dharnidhar Jha, J.)

Sanjay/-

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