

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33606 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -AKBARPUR District- NAWADA

1. Radhika Devi W/O Biran Chauhan, resident of village/Mohalla- Barail,
P.S.- Akbarpur, District- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. Bharat Lal (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307 and 504 of the Indian Penal Code. Later on, section 302 IPC was also added.

The prosecution case is that the father of the informant namely Somari Chouhan was assaulted by co accused Siyaram Chouhan and Badri Chauhan with Khanti on his head, as a result he fell down, thereafter co accused Dularchand Chauhan, Aano Deo and Radhika Devi (petitioner) assaulted on the hands and leg of the father of the informant. It is also alleged that the petitioner and others assaulted the mother and sister of the informant when they came to rescue.



It is submitted by the learned counsel for the petitioner that one injury has been found on the parietal region of the informant's father and that was opined to be the cause of death by the doctor though there was abrasion below the knee but that was not found to be the cause of death. The prosecution case is not being corroborated by postmortem report as two persons alleged to have assaulted on head but only one injury has been found whereas three persons assaulted the sister of the informant but one abrasion was found. Hence, the injury found to be the cause of death was not caused by the petitioner. There is counter version of the occurrence and for the occurrence of 24.1.2015 the FIR was registered on 27.1.2015 whereas injury of the sister of the informant has been found to be simple.

It is submitted by learned counsel for the informant that there is specific accusation against the petitioner that she also made assault to the father and mother of the informant but the informant has not disputed this fact that there is counter version of the occurrence and the petitioner side have also received injury.

Considering the fact that the medical opinion suggests that the victim died due to head injury which was specifically alleged against other two co accused persons, the petitioner being lady and there is counter version of the

occurrence, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Nawada in connection with Akbarpur P.S. Case No.13 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--