

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17520 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -SARAI District- VAISHALI(HAJIPUR)

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Sheela Devi Wife of Shivnath Ram, Resident of village- Manjhauli
Mohammadpur Bujurg, P.S. Sarai, District- Vaishali at Hajipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 26-04-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending her arrest in
a case registered for the offences punishable under Sections 341,
323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that on 15.04.2015
the informant was carrying rupees twenty five thousand for
purchase of bricks when the petitioner and other family members
attacked the informant and petitioner assaulted informant with
Fasuli.

It is submitted by learned counsel for the
petitioner that no injury report of the informant is on record,
statement to that effect has been made in paragraph 12 of the

petition, which reads as follows:-

“That it is stated that even according to the prosecution case, there is allegation of assault to the informant by means of Fasuli as well as assault by the Lathi, Danda but surprisingly no any injury report of the informant is available on the record which itself falsifies the entire allegation levelled against the petitioner.”

It is further submitted that in the background of dispute between the parties the accusation has been levelled.

Considering the fact that the impugned order also suggests that the injury report was not produced before the learned court and the petitioner being a lady, let the above named petitioner be released on anticipatory bail provisionally for two months, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge XIV –cum- Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 60 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be

confirmed by the learned court below on verification of the fact that the informant has not received any grievous injury but in case the injury of the informant is found grievous then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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