

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10117 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -JAMALPUR District- DARBHANGA

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Punita Devi , wife of Shri Heera Sharma, Resident of village- Mansar,
P.S.- Jamalpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

4 19-05-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner apprehends her arrest in connection with
Jamalpr P.S.Case No. 117/2015 for offences alleged under
Sections 147, 148, 149, 447, 341, 323, 307, 302,427 and 504 of
the Indian Penal Code.

The prosecution case as per F.I.R. is that on
27.11.2015 at 5 A.M. the accused persons including the petitioner
armed with deadly weapons came to the Darwaja of the informant
and accused Heera Kant Sharma and Ram Lakhan Sharma started
assaulting with slap and iron khanti and due to assault Subh Kant
Sharma , the full brother of the informant fell down and the other
accused persons also assaulted the brother of the informant and he
got serious injuries. It is also alleged that the informant went to

save his brother then accused persons also assaulted him and informant also became injured. It is further alleged that accused persons entered into the house of the informant and assaulted the family members of the informant then the police came and admitted the brother of the informant for treatment at Supaul who referred the brother of the informant to D.M.C.H. and from where the injured was referred to P.M.C.H. where he died on 27.11.2015.

It has been submitted by the learned counsel for the petitioner that she is innocent, having no criminal antecedent and it was a case and counter case by both parties, who are Gotiya and regarding some minor dispute for which the petitioners had also lodged Jamapur P. S. Case No. 116/2015 for similar offences.

It has been submitted that the allegations upon the petitioner is not specific but general and omnibus and neither Section 307 nor Section 302 is applicable against her. It has further been submitted that the petitioner's side also received injury and the injury No. 2 on the person of brother of the informant can not attributable to the petitioner.

However, learned counsel for the informant submits that the petitioner is named in the F.I.R. and there is allegation of lathi assault by the petitioner also along with other co-accused and the case after investigation has been found true against the

petitioner, hence, opposes the prayer for bail.

Learned counsel for the State submits that the petitioners are named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, since the allegation against the petitioner is general and omnibus and no specific overt act has been alleged to be committed by the petitioner, let the above named petitioner in the event of her arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Biraul (Benipur), Darbhanga in connection with Jamalpur P.S.Case No. 117/2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Nilu Agrawal, J)

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