

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52337 of 2015

Arising out of PS.Case No. -41 Year- 2014 Thana -HAYAGHAT District- DARBHANGA

Hasmun Nisha, W/o Hali @ Halim, resident of village - Nayatola, P.S Hayaghat, District - Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Dharmendra Jha, Advocate.

For the Opposite Party : Mr. Ashraf Ansari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending her arrest in connection with Hayaghat P.S. Case No. 41 of 2014 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the accused Md. Raja assaulted the father of the informant with wooden piece on his head and further accused Jeshan assaulted him with iron rod and other accused persons including this petitioner assaulted the father of the informant with lathi-danda as a result of which, father of the informant died during the course of treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The specific allegation

is against Md. Raja. As far as the petitioner is concerned, general and omnibus allegation of assault has been made against her.

On behalf of the learned counsel for the State it has been submitted that the petitioner is named in the F.I.R. and also she is said to have assaulted with Lathi upon the deceased and the deceased subsequently succumbed to the injuries.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in Hayaghat P.S. Case No. 41 of 2014, pending in the court of the learned C.J.M., Darbhanga. Anyhow, if the petitioner surrenders in the court below within a period of six weeks from the date of receipt/production of copy of this order the same shall be considered on its own merit without being prejudiced by this order.

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(Sudhir Singh, J)