

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23511 of 2017

Arising Out of PS.Case No. -28 Year- 2016 Thana -BARHAT District- JAMUI

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Hema Devi, Wife of Binod Yadav, Resident of Village- Tenghara, P.S.
Berhat, Dist.- Jamui. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-06-2017 Heard learned counsel for the petitioner and

learned counsel for the State.

This is an application for grant of anticipatory bail
in connection with Berhat PS case no. 28 of 2016 registered for
the offences punishable under Sections 341, 337, 338, 302, 504/34
of Indian Penal Code.

The allegation leveled against the petitioner is with
regard to inflicting *lathi* blow along with her husband on the head
and neck of the father of the informant resulting in the death of the
father of the informant.

Learned counsel for the petitioner submits that the
informant has subsequently realized his mistake and filed a
petition before the learned trial court dated 02.09.2016 which has
been taken on record by the learned trial court and therein, it has
been submitted that on account of mistake, a complaint was made.
However, the actual fact is that the father of the informant had



fallen from the tree resulting in head injury causing his death. It has been further submitted that the petitioner has no criminal antecedent. It is next submitted that the petitioner was pregnant on the date of occurrence and could not have inflicted any *lathi* blow.

Having regard to the facts and circumstances of the case, I find that as far as present petitioner is concerned, atleast she is entitled for grant of anticipatory bail. It is further stated that in case, the petition filed by the informant, Annexure-2 page-16 of the instant petition is concerned, the same may be verified by the learned trial court and in case, it is found that same is not on the record or not genuine then instant privilege of anticipatory bail would automatically stand cancelled.

Accordingly, abovenamed petitioner is directed to be released on anticipatory bail on furnishing bonds of Rs. 20,000/- (Rs. Twenty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st class, Jamui in Berhat PS case no. 28 of 2016 subject to the conditions enumerated under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J.)

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