

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13486 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -RAGHOPUR District- SUPAUL

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Somni Devi, Wife of Mohan Sharma, Resident of Village- Dumri, Police
Station- Raghopur, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-05-2017 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends her arrest in connection with
Raghopur P.S. Case No.70 of 2016 registered under Sections 283, 291,
188 and 353 of the Indian Penal Code besides Prevention of Damage of
Public Property Act (Act 3 of 1984).

The accusation is that on 15.03.2016, in course of inspection
by the informant being the Junior Engineer, Irrigation Sub Division,
Thumaha, the informant found that Sri Mohan Sharma, son of Late
Munga Lal Sharma, was constructing the house over the land of canal,
while on 14.03.2016, Sri Mohan Sharma was asked by the informant to
remove the illegal construction within 24 hours. Again on 15.03.2016,
on being asked by the informant to remove the illegal construction, the



wife(petitioner) of Sri Mohan Sharma became furious and refused to remove the illegal construction over the land of the canal.

Learned counsel for the petitioner submits that the petitioner is the wife of the co-accused Sri Mohan Sharma and all the offences, except the offence under Section 353 of the Indian Penal Code, are bailable but it would appear from the F.I.R. that the offence under said Section is not attracted in this case as no force was used by the petitioner or assault was caused to the informant by the petitioner. Further submission is that the petitioner being the wife of the co-accused Sri Mohan Sharma has falsely been implicated in this case only to put undue pressure.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of her arrest or surrender by her within six weeks from today, be enlarged on bail on her furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Birpur, District-Supaul, in connection with Raghapur P.S. Case No.70 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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