

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67937 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- PARASBIGHA District- Jehanabad

Meena Devi, Wife of Nagendra Mahto @ Nagendra Prasad, Resident of
Village- Udaypura, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341,323,325,307,
302 and 504/34 of the IPC.

The prosecution case as per the written report of Basanti
Devi submitted to the SHO, Parasbigha Police Station is to
the effect that four FIR named accused persons including the
petitioner plucked mangoes from the tree of the informant.
On protest being made, the accused persons assaulted the
informant's husband brutally with lathi, as a result of which,
the husband of the informant became unconscious. After four
days of the occurrence, the husband of the informant died.



It is submitted by learned counsel for the petitioner that the postmortem report of the informant's husband suggests only one abrasion of marginal size on left side of the forehead, which completely demolishes the accusation of brutal assault alleged by the informant. Moreover, the accusation is omnibus and general against all the accused persons. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation of assault is against the petitioner also.

Considering the fact that the specific case of the informant is that all the four accused persons brutally assaulted the husband of the informant when the postmortem report reflects only superficial injury on the head of the injured and the petitioner is having no criminal antecedent coupled with the fact that the petitioner is a lady, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Jehanabad in connection with Parasbigha P.S. Case No.94 of 2018



subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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