

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27041 of 2018

Arising Out of PS. Case No.-352 Year-2017 Thana- BAHERA District- Darbhanga

Madhu Devi, W/o Indra Kant Mishra, resident of Village- Ramouli, P.S.-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

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

The prosecution case got initiated on the basis of written
report dated 26.09.2017 submitted by Aakash Mistra to the
Station House Officer, Bahera Police Station is to the effect that
the uncle of the informant, namely, Indra Kant Mishra took out
household articles from the portion of house of the informant's
share and locked the door. On protest being made by the father
of the informant, Indrakant Mishra and his family members
assaulted the father of the informant, whereupon, Bahera P.S.
Case No.317 of 2017 was lodged. On 26.09.2017, at 4.00 P.M,



Indrakant Mishra and his family members did not accept the Panchayati, then the informant after breaking the lock of the said room put his articles in the room, in retaliation to that all the accused persons came armed with iron rod, lathi, piece of wooden log and started assaulting the informant. It is further alleged that Indrakant Mishra assaulted on the head of Sashi Kant Mishra, father of the informant with iron rod causing bleeding injury, whereas, the petitioner, Madhu Devi assaulted with an wooden plank on the head of the sister of the informant, namely, Mamta Devi. It is further alleged co-accused, Binay Kumar Thakur assaulted with iron rod on the head of the younger sister of the informant, causing bleeding injury. Co-accused, Kaushal Mishra assaulted the informant with lathi on his left arm, back and left leg, when Pravin Jha, Shrawan Jha and sister of the informant Anju Devi came to rescue his, they were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioner that the injury of the informant's side have been found to be simple, whereas, the injury on the petitioner's side have been found to be grievous, a statement to that effect has been made in paragraph no.8 of the petition. There is counter version of the occurrence being Bahera P.S. Case No. 355 of 2017. A statement



has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the accusation being levelled in the background of land dispute, petitioner being lady and injury caused to informant has been found to be simple in nature, whereas, the petitioner's side has received grievous injury, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Benipur, Darbhanga, in connection with Bahera P.S. Case No.352/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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