

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22534 of 2018

Arising Out of PS.Case No. -921 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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Lalita Devi @ Nabita Devi @ Babita Kumari W/o Sunil Sah, R/o Vill.- Mia
Haat, Ward No. 09, P.S.- Forbesganj, Distt.- Araria.

.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 01-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The instant application under Section 438 of the
Code of Criminal Procedure has been filed by the petitioner for
grant of pre-arrest bail in connection with Forbesganj P.S. Case
No. 921 of 2017, which was initially registered for the offences
under Sections 147, 148, 149, 341, 323, 324, 307, 354B, 379,
504 and 506 read with 34 of the Indian Penal Code. However,
after thirteen days of the alleged occurrence of offence, at the
request of the investigating officer of the case, Section 302 of
the Indian Penal Code was also allowed to be added in the FIR



vide order dated 23.12.2017.

It is submitted by the learned counsel for the petitioner that in the first information report though there is allegation against altogether seven accused persons that they all mercilessly assaulted the father of the informant, in the postmortem report only one injury was found on the person of the deceased.

On the other hand, learned counsel for the State submitted that when the brother of the informant protested co-accused Ranjan Sah, Chandan Sah and Sunil Sah outraged the modesty of the informant and when her sister Soni Kumari intervened, they also assaulted her causing injury over her head.

I have heard learned counsel for the parties and perused the record.

The post mortem report has been brought on record as Annexure-5 to this petition. A perusal of the same would show that the doctor who conducted autopsy found only one injury on the head of the deceased. The doctor opined that the cause of death was due to hemorrhage and shock as a result of which the only ante mortem injury found on the scalp of the deceased. As far as the petitioner is concerned, there is no direct



or specific allegation made against her.

Considering the totality of the circumstances, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 921 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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