

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23004 of 2018

Arising Out of PS. Case No.-193 Year-2017 Thana- MAHARAJGANJ District- Siwan

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1. Sunita Devi, W/o Vijay Kumar,
 2. Deepak Kumar, S/o Vijay Kumar,
- Both resident of Village- Saraya, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 30-04-2018 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are apprehending their arrest in connection with Maharajganj P.S. Case No. 193 of 2017 registered for offences under sections 147, 341, 323, 324, 379, 504 of the Indian Penal Code.

As per allegation made in the First Information Report, the dispute took place on account of plucking of lemon which led to altercation. An allegation has been made against the petitioner no.2, Deepak Kumar to have assaulted by axe (Tangi). So far petitioner no.1, Sunita Devi is concerned, an allegation has been made against her to have stolen the chain.

Learned counsel for the petitioners submits that the



allegation against the petitioner no.1 is ornamental in nature which has not been supported during investigation. He has further submitted that allegation against the petitioner no.2 is that the injury caused by him is simple in nature but, from the allegation, it appears that he has been attributed of assault by axe (Tangi).

Looking to the entire facts and circumstances of the case, let the petitioner no.1, namely, Sunita Devi, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Siwan in connection with Maharajganj P.S. Case No. 193 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call her for investigation/interrogation, she will remain present and if she would not present herself, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

Looking to the allegation made against the petitioner no.2, this Court is not inclined to grant him privilege of anticipatory bail.



Accordingly, the prayer for anticipatory bail of the
petitioner no.2, namely, Deepak Kumar is rejected.

(Shivaji Pandey, J)

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