

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.63292 of 2018**

Arising Out of PS. Case No.-95 Year-2018 Thana- GAYA KOTWALI District- Gaya

Malti Devi W/o Kedar Yadav, Resident of Village/ Mohalla- Bangla Ashthan,  
Maharani Road, Police Station- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhimanyu Sharma  
For the Opposite Party/s : Mr. Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

2     19-12-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner apprehends her arrest in connection  
with Kotwali P.S. Case no. 95 of 2018 registered under  
Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian  
Penal Code.

All the 10 accused persons named in the FIR are  
said to have assaulted the husband of the informant by means of  
lathi and iron rod inflicting serious injury to him which proved  
fatal.

It is submitted by learned counsel for the petitioner  
that the petitioner is quite innocent and has committed no  
offence. She has been falsely implicated in this case. She is not  
named in the FIR. There is specific allegation of assaulting the



deceased against the ten named accused persons. The name of the petitioner has been reflected during course of investigation after two months of the occurrence from the mouth of one of the witness. Though the petitioner is said to have been identified in the video footage as evident from the impugned order, but it is not mentioned in the said order as to what the petitioner was doing during the said occurrence. It is further submitted that process under Section 82 and 83 Cr.P.C. was issued by the Magistrate without ensuring the service of earlier process issued against the petitioner. Petitioner happens to be lady.

On the other hand, learned APP and learned counsel for the informant opposing the bail prayer of the petitioner submitted that petitioner has also participated in the occurrence as she has been identified in the video footage and moreover the petitioner did not turn up before the court despite attachment of her property under Section 83 Cr.P.C.

In the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four 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 learned Chief Judicial Magistrate,



Gaya in connection with Kotwali P.S. Case no. 95 of 2018,  
subject to the condition as laid down under Section 438 (2) of  
the Cr.P.C.

**(Prakash Chandra Jaiswal, J)**

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