

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23385 of 2019

Arising Out of PS. Case No.-336 Year-2018 Thana- NAWADA District- Nawada

USHA DEVI Wife of Munarik Choudhary @ Gambhirak Choudhary,
Resident of village-Dewanpura, P.S.-Kadirganj, District-Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Nawada Town (Kadirganj) P.S. Case No. 336 of 2018 for the offence punishable under Sections 147, 148, 149, 323, 324, 326, 307 and 302 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has submitted that though there is specific allegation of assault against other co-accused persons of having assaulted the deceased, it is alleged against this petitioner that she has instigated others to commit the crime. It has been submitted that one co-accused Suresh Choudhary has been granted anticipatory bail by this Court.

The Supreme Court in case of *Jai Prakash Singh v. State of Bihar and Another*, reported in (2012) 4 SCC 379, has held that anticipatory bail in serious cases, particularly



involving offence under Section 302 of the Indian Penal Code, should not be granted. However, considering the circumstances that one of the co-accused Suresh Choudhary has been granted anticipatory bail by this Court by order, dated 23.01.2019, passed in Cr. Misc. No. 1538 of 2019, and against this petitioner, who is a female, the only allegation is that she has instigated the others, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned C.J.M., Nawada, in Nawada Town (Kadirganj) P.S. Case No. 336 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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