

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72672 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- BASANTPUR District- Siwan

1. Sugriv Mahto, son of Ramyas Mahto.
2. Champa Devi, wife of Sugriv Mahto, Both resident of Village- Bhopatpur Bhartiya, P.S. Basantpur (Lakari Nabiganj O.P.), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-03-2019 Heard learned counsel for the petitioner no. 2, Champa Devi, and the learned A.P.P. for the State.

The petitioner no. 2 apprehends her arrest in connection with Basantpur P.S. Case No. 77 of 2018 registered under Section 302/34 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Siwan.

The accusation is that Sugriv Mahto, his son Krishna Mahto and wife Champa Devi (petitioner no.1) started to construct Beri over the land of informant, Madodra Devi. When Chandrika Mahto, husband of the informant, came at the house and made protest then he was assaulted by them through stick and dagger.



Learned counsel for the petitioner no. 2 submits that petitioner no.2, Champa Devi, is lady and she has falsely been implicated in this case without any specific overt act.

On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for bail with submission that four injuries were found on the dead body of the deceased, husband of the informant, as detailed in the postmortem reporter.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner no. 2, Champa Devi, I am not inclined to grant anticipatory bail to petitioner no.2. Accordingly, her prayer for grant of anticipatory bail stands rejected. The petitioner no.2. is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Accordingly, the interim order dated 20.12.2018 stands vacated.

(Rajendra Kumar Mishra, J)

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