

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72536 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- KHUDWA District- Aurangabad

=====

BEBI DEVI Wife of Dudheshwar Sao Resident of Village - Ramnagar, P.S.-
Khudwan, Dist.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Advocate
		Mr. Binod Kumar Pandey, advocate
For the Opposite Party/s :		Mr.Ganesh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of her arrest in connection with Khudwan P. S. Case No. 31 of 2019 dated 28.06.2019 which was initially instituted for the offences under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code, but after the death of the deceased, Section 302 of the Indian Penal Code was added.

It has been alleged in the F.I.R. that

Dudheshwar Sao and his son Udit Sao assaulted the



husband of the informant on his nose and head respectively leading to serious injuries on him making him unconscious. One Prem Kant Kumar was also assaulted by Hira Sao by means of *Lathi*. During the course of treatment, the husband of the informant died.

It has been submitted that the name of the petitioner has been taken by the informant in her re-statement which was recorded after the death of the deceased. It has been alleged by her that the petitioner took out Rs. 10,000/- from the possession of her late husband while he was still alive.

It has been argued on behalf of the petitioner that she has been made accused in this case only because she happens to be the wife of co-accused Dudheshwar Sao. So far as allegation of assault is concerned, it has not been attributed against the petitioner. Even the taking away of the cash from the person of the deceased was initially attributed to the husband of the petitioner but later, the petitioner is also



alleged to have taken away Rs. 10,000/- from the person of the deceased.

The cause of occurrence, it has been stated, is different. The deceased had entered the house of the petitioner for return of the accommodation loan and when he was chased out, he fell down and was attacked by the villager leading to his death. In the course of the aforesaid altercation, the petitioner also received injuries for which she has also filed a case against the informant and the deceased of the present case *vide* Khudawan P. S. Case No. 34 of 2019.

Considering the afore-stated facts, this petition is allowed.

The petitioner, above-named, is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned S.D.J.M.,
Aurangabad in connection with Khudwan P. S. Case No.
31 of 2019, subject to the conditions as laid down under
Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

