

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25452 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- BELDOUR District- Khagaria

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1. Phulan Devi, W/o Surari Mahton, Resident of Village-Dumari, P.S.-Beldaur, District-Khagaria.
 2. Surari Mahton, S/o Late Jhojhan Mahton, Resident of Village-Dumari, P.S.-Beldaur, District-Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate.

For the Opposite Party/s : Mr. A.M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-10-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner no. 2, Surari Mahton, has already been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn against petitioner no. 2, Surari Mahton.



Heard learned counsel for the petitioner no. 1, Phulan Devi and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioner no. 1 apprehends her arrest in connection with Beldaur P.S. Case No. 233 of 2019, registered under Sections 341, 323, 307 and 504/34 of the Indian Penal Code.

The accusation is that due to breaking of branch of *Sajwan* tree by the son of informant, Rajesh Mahton, Sonu Kumar, his father Surari Mahton (petitioner no. 2) and mother Phulan Devi (petitioner no.1) assaulted to his son, Satyam Kumar. On receiving information regarding causing assault to his son, wife of the informant reached there then she was also assaulted by them.

Learned counsel for the petitioner no. 1 submits that that, in fact, occurrence took place in between son and wife of the informant with male members of family of petitioner no.1 but petitioner no.1, being the wife of co-accused, Surari Mahtaon (petitioner no. 2), has falsely been implicated in the present case without any specific overt act. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioner no.1, Phulan Devi, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six 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 the learned Chief Judicial Magistrate, Khagaria, in connection with Beldaur P.S. Case No. 233 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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