

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53132 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

Poonam Devi wife of Ramesh Prasad Resident of Village - Shankarpur, P.S.-
Neemchak Bathani, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailesh Kumar, Advocate
For the Informant	:	Ms. Madhuri Kumar, Advocate
For the Opposite Party/s	:	Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for anticipatory bail apprehending her arrest in a case registered for the offence under sections 302 and 34 of the Indian Penal Code.

As per the allegation in the FIR, over a dispute relating to animals and cow-dung, it is stated that the three accused persons started beating them up. It is further stated that Ramesh Prasad who is the husband of the petitioner herein struck with a lathi on the head of the wife of the informant as a result of which she succumbed to her injuries in course of treatment.

It is submitted by learned counsel for the petitioner



that the petitioner is a lady. As per the FIR as also in course of investigation, the specific allegation of overt act with a lathi is on the husband of the petitioner namely, Ramesh Prasad and at best the allegation against the petitioner is being a member of the unlawful assembly. It is finally stated that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that the allegations against all the three accused persons including this petitioner is of having assaulted. There are injuries on the body of the deceased as would be evident from the postmortem report which supports the allegation of assault by this petitioner also and the independent witnesses whose statements have been recorded in paragraph 11 and 12 of the case diary also support the allegations against the petitioner.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances including the fact that the main allegation as per the FIR and even as per the witnesses examined in course of investigation is against the husband of the petitioner and not this petitioner, the Court is inclined to enlarge the petitioner on bail. The petitioner, above



named, in the event of her arrest or surrender in the Court below within a period of six weeks from today in connection with Neemchak Bathani P.S. Case no. 166 of 2018 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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