

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79122 of 2019

Arising out of PS. Case No.-254 Year-2019 Thana- BIRAUL District- Darbhanga

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1. Chandu Devi (F), aged about 35 years, W/o Dular Tanti R/o Village- Neuri, P.S.- Biraul, District- Darbhanga.
 2. Dular Tanti (M), aged about 42 years, S/o Late Sattan Tanti R/o Village- Neuri, P.S.- Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aprajita Singh, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Ms. Aprajita Singh, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Biraul PS Case No. 254 of 2019 dated 13.09.2019, instituted under Sections 341/323/307/325/379/504/34 of the Indian Penal Code.

4. The allegation against the petitioners and two others is of assault on the informant and her husband leading to injuries and



specifically against the petitioners that both of them had assaulted on the head causing injury by sharp-edged weapon.

5. Learned counsel for the petitioners submitted that no such incident took place and the fact is that on the same day, when the petitioner no. 1 had gone to buy sugar from the shop the accused persons, including the informant, and others had gathered there and assaulted her for which Biraul PS Case No. 255 of 2019 was lodged. Learned counsel submitted that though the allegation against the petitioners, who are husband and wife, is that they had sharp-edged weapon and had inflicted wound on the head, but only one lacerated wound has been found on the parietal region. Learned counsel submitted that even otherwise it is not expected when there are male members, including the husband of the petitioner, she would also assault with a sharp-edged weapon. Learned counsel submitted that the petitioner no. 1 is elected Mukhiya and the informant and others had grievance that she was not paying them Rs. 6,000/- Government subsidy for which she had explained to them that because of paucity of fund the same could not be paid and when the funds come it would be paid. It was further submitted that the petitioners have no criminal antecedent. Learned counsel submitted that at best, there being specific allegation of assault on the head by both the petitioners



and only one wound found, at least petitioner no. 1 being lady deserves indulgence by this Court.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution case. However, he did not controvert the fact that only one lacerated wound caused by sharp cutting weapon has been found on the parietal region whereas there is specific allegation of assault on the head by sharp cutting weapon against both the petitioners. It was further submitted that charge-sheet has been submitted.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no. 1, namely Chandu Devi, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Darbhanga in Biraul PS Case No. 254 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) one of the bailors shall be a close relative of the petitioner and (ii) that the petitioner and the bailors shall give undertaking and execute bond with regard to good behaviour of the petitioner. Any violation of the terms and



conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds.

8. The prayer for pre-arrest bail of petitioner no. 2, namely Dular Tanti, stands rejected. As charge-sheet has been submitted against him also, he is directed to appear before the Court below forthwith.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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