

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28061 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. Manoj Chaurasia, aged about 32 years, male, S/o Bhikhari Chaurasia,
 2. Sumitra Devi, aged about 30 years, Female, W/o Manoj Chaurasia,
Both resident of Village- Sheopur, P.S.- Sonhan, District- Kaimur at Bhabua.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Tribhuwan Narayan, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. Learned counsel for the petitioners submitted that petitioner no.1, Manoj Chaurasia, has been arrested and thus, he may be permitted to withdraw the application on his behalf.

4. In view thereof, the application is limited to the petitioner no. 2, namely, Sumitra Devi.

5. The petitioner no.2 apprehends arrest in connection with Bhabua (Sonhan) PS Case No.107 of 2020 dated



18.02.2020 instituted under Sections 147/148/149/341/323/379/337/302/307/324/504/506 of the Indian Penal Code.

6. The allegation against the petitioner no. 2 and others is of general assault on the deceased, who was the father of the informant and specifically against the petitioner no.2 is that she along with two other accused had dragged the informant and threw him in a well.

7. Learned counsel for the petitioner no.2 submitted that the parties are agnates and there was dispute with regard to building a house and the informant's side was the aggressor. It was submitted that there is a counter case also from the side of the petitioner no.2 and they have also sustained grievous injuries. Learned counsel submitted that there is only general and omnibus allegation of assault and even with regard to dragging the informant and throwing him into a well, the allegation is cosmetic. Learned counsel further submitted that no injury report has been produced with regard to the informant. Learned counsel submitted that the petitioner no. 2 is a lady and has no criminal antecedent.

8. Learned APP submitted that the petitioner no.2 was also party to the assault and the allegation is that petitioner no.2 and two others had dragged the informant and thrown him in a



well from where he was rescued and taken to hospital.

9. 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.2 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 CJM, Kaimur at Bhabua, in Bhabua (Sonhan) PS Case No. 107 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond/undertaking 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.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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