

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34652 of 2020**

Arising Out of PS. Case No.-56 Year-2020 Thana- DAWATH District- Rohtas

1. Mohani Devi, aged about 48 years (female) wife of Punna Choudhary, resident of village and Post- Chatra, Police Station - Dawath, District Rohtas.
2. Mala Devi, aged about 22 years (female) daughter of Punna Choudhary, resident of village and Post- Chatra, Police Station - Dawath, District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Anil Kumar Singh, Advocate    |
| For the State        | : | Mr. Anand Mohan Prasad Mehta, APP |

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 28-04-2021**

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Dawath PS Case No. 56 of 2020 dated 12.09.2020, instituted under Sections 147, 341, 323, 324, 354, 307, 504, 120(B) of the Indian Penal Code.

4. The allegation against the petitioners is of having generally assaulted the informant and specifically against



petitioner no. 1 of inflicting blow by *lathi* on head resulting in injury.

5. Learned counsel for the petitioners submitted that the parties are agnates and there is also a counter case. It was further submitted that petitioners are ladies and there is general and omnibus allegation and the injury report also discloses that the same are simple in nature. It was submitted that the petitioners have no criminal antecedent. It was submitted that as far as petitioner no. 2 is concerned, the allegation is only general and omnibus in nature.

6. Learned APP submitted that specific allegation in the FIR against petitioner no. 1 is blow by *lathi* on the head which is corroborated by the injury report as lacerated wound has been found over the scalp. It was further submitted that in the injury report, the cause has been shown as hard and sharp and also blunt. However, it was not controverted that against petitioner no. 2 there is only general and omnibus allegation of assault. Learned APP further submitted that other co-accused have been granted regular bail by the Court below.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner no. 2, namely Mala Devi, in the event of arrest or



surrender before the Court below within six weeks from today, 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, Bikramganj, Rohtas in connection with Dawath PS Case No. 56 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 no. 2, (ii) that the petitioner no. 2 and the bailors shall execute bond/give undertaking with regard to good behaviour of the petitioner no. 2 and she shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking and failure to co-operate shall lead to cancellation of her bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner no. 2, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 2.

9. The prayer for anticipatory bail of petitioner no. 1, namely Mohani Devi stands rejected.



10. However, in view of the submissions of learned counsel for the parties, it is observed that if the petitioner no. 1 appears before the Court below and seeks bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

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

**(Ahsanuddin Amanullah, J.)**

Shageer/-

|          |  |
|----------|--|
| AFR/NAFR |  |
| U        |  |
| T        |  |

