

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36618 of 2020**

Arising Out of PS Case No.-320 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

Sunita Kumari, aged about 28 years (Female), wife of Rahul Kumar, Resident of Village- Kurtha Dih, Police Station- Makhdumpur (Tehta O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate
For the State	:	Mr. Parmanand Kumar, APP

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

Date : 28-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Umesh Kumar, learned counsel for the petitioner and Mr. Parmanand Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Makhdumpur (Tehta OP) PS Case No. 320 of 2020 dated 11.08.2020, instituted under Sections 147, 149, 452, 337, 338, 354, 379, 504 and 506 of the Indian Penal Code.

4. The allegation against the petitioner is that he had thrown the informant on the ground and snatched her *mangalsutra* whereas against others, it is of general and omnibus assault.



5. Learned counsel for the petitioner submitted that the case is false as earlier Makhdumpur (Tehta OP) PS Case No. 319 of 2020, was instituted by co-villager Braj Bhushan Paswan against the informant and her husband and others of abuse, assault and also threatening using caste name. It was submitted that the informant used to call antisocial elements to her house which was objected by the people as they used to come and commit *rangdari* and that is why as a counter blast, the present case has been lodged, which is absolutely false. It was submitted that the allegation against the petitioner of having thrown the informant on the ground and snatching her *mangalsutra* is only cosmetic in nature. Learned counsel submitted that besides being a lady, the petitioner has no criminal antecedent.

6. Learned APP submitted that the allegation against the petitioner is of snatching *mangalsutra* after throwing the informant on the ground.

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 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 Chief Judicial Magistrate, Jehanabad in Makhdumpur (Tehta OP) PS Case No. 320 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 and give undertaking with regard to good behaviour of the petitioner and (iii) that the petitioner shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or 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, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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