

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34710 of 2020

Arising Out of PS. Case No.-375 Year-2019 Thana- BAKHARI District- Begusarai

Sudama Devi @ Sadmaya Devi, aged about 35 years, (Female), w/o Sikandar Yadav, resident of village- Vijay Lakh, Post- Shakarpura, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Arjun Prasad, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bakhri PS Case No. 375 of 2019 dated 20.11.2019, instituted under Sections 341, 323, 307, 427, 379, 324, 504, 506/34, 302 of the Indian Penal Code.

4. The allegation against the petitioner and others is of general assault on the informant and further, the petitioner is said to have also snatched a silver necklace of the informant, who later succumbed to her injuries.



5. Learned counsel for the petitioner submitted that she is a lady and the allegation is general and omnibus only. Further allegation is that she had snatched silver necklace from the neck of the informant. It was submitted that the petitioner is aged 63 years having no criminal antecedent.

6. Learned APP submitted that correct fact has not been submitted by learned counsel for the petitioner, inasmuch as, her age in the cause title has been disclosed as 35 years though in paragraph no. 15, it is said that she is aged 63 years. It was submitted that the cause title is the main part with regard to the exact description of the person, which is of greater value compared to the statement made in the pleadings in one of the paragraphs. Learned counsel submitted that there is allegation of brutal assault against all the four accused persons and the informant had succumbed to her injuries and as has been noted by the Court below, internal injuries have been found leading to death due to cardiogenic shock. Learned counsel submitted that the informant was a lady and, thus, it is but natural, that the petitioner, who is also a lady, had brutally assaulted her and the allegation is quite believable and cannot be said to be false. Further, it was submitted that co-accused, Nageshwar Yadav @ Nago Yadav, against whom there is only allegation of assault



along with the others, as the petitioner also, was granted regular bail by this Court in Cr. Misc. No. 7564 of 2020 on 29.05.2020. It was, thus, submitted that the petitioner should also appear before the Court below and seek bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, in view of submission of learned counsel for the petitioner, it is observed that upon the petitioner appearing before the Court below and praying for bail, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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