

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6540 of 2022

Arising Out of PS. Case No.-499 Year-2020 Thana- BANKA District- Banka

1. TAKDI DEVI @ TAKDHI DEVI WIFE OF UMA YADAV @ UMA MANJHI RESIDENT OF VILLAGE- BHADARIYA, POLICE STATION- BANKA, DISTRICT- BANKA
2. PREMA DEVI @ CHANCHALA DEVI WIFE OF CONGRESS YADAV RESIDENT OF VILLAGE- BHADARIYA, POLICE STATION- BANKA, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 The petitioner is permitted to make necessary correction in the cause title of petitioner no. 2 only.

Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of petitioner no. 1 Takdi Devi @ Takdhi Devi as she has been arrested.

Permission is accorded.

Heard learned counsel for the petitioner no. 2 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 2 apprehends her arrest in a case registered for the offences punishable under Sections 341, 342,



302/34 of the Indian Penal Code read with Section 7(C) of the Protection from Lynching Act, 2017.

Learned counsel for the petitioner no. 2 submits that petitioner no. 2 is a person with clean antecedent.

The informant alleges that he got information that his son was being assaulted by Kishundeo Yadav in his house after tying him in the pillar of Verandah. On getting information, the informant reached the place of occurrence and saw Congress Yadav along with seven others assaulting his son who was tied and when they saw the informant they threatened him and, as such, informant fled away from the place of occurrence and the police was informed but before the police reached the place of occurrence, his son had died.

Learned counsel for the petitioner no. 2 submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence as after he reached at the place of occurrence he fled away from there after the accused threatened him, as such, the informant could not have witnessed who was assaulting his son. Learned counsel next submits that the allegation of assault is general and omnibus in nature and the occurrence took place as the deceased was having relationship with the wife of Kishundeo Yadav. He



further submits that petitioner no. 2 is the wife of Congress Yadav and she has been implicated merely because it is alleged that her husband had also participated in the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner no. 2, the petitioner no. 2 above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banka P.S. Case No. 499 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

