

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12385 of 2022

Arising Out of PS. Case No.-415 Year-2020 Thana- BAGHA District- West Champaran

BABITA DEVI Wife of Shiv Sharma Resident of Village - Gandhi Nagar,
Ward No. 17, P.S. - Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, Adv

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends her arrest in a case registered for the offence punishable under section 147, 149, 447, 307, 342, 323, 324, 379, 504 of the Indian Penal Code.

Allegedly, the petitioner along with other name persons in F.I.R. assaulted the informant and his family by means of lathi and garasa with an intention to kill them.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case due to enmity. No such occurrence, in the manner as alleged, has ever taken place. The



allegation leveled against the petitioner is not specific rather general and omnibus in nature. Both the parties are next door neighbour and there is a dispute between them regarding filling of land. There is a case and counter-case between the parties. In the alleged occurrence, both sides sustained injuries and the injuries are simple in nature. Similarly situated co-accused persons have been granted by a co-ordinate bench of this court vide order dated 13.12.2021 in Cr. Misc. No. 18877 of 2021, which is also mentioned in Annexure-4. Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since the injuries sustained by the parties are simple in nature and similarly situated co-accused persons have been granted bail by a co-ordinate bench of this Court, let the above named petitioner be released on bail, in the event of her arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Bagaha P.S. Case No. 415 of 2020,



subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Anjani Kumar Sharan, J)

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