

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30695 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MADHAURAH District- Saran

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KHAIRUN NISHA Wife of Ahmad Ali Resident of Village - Salimapur, P.S. -
Madhaura (Gaura O.P.), District - Saran at Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of four
weeks.

The petitioner is apprehending her arrest in Madhaura (Gaura
O.P.) P.S. Case No. 11 of 2021 registered under Sections 341, 323,
354, 307, 379 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner
assaulted the informant's husband by means of cricket bat on his
head as a result of which, he sustained injury.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has been made accused in the present case due to mistake of fact. The



petitioner is a lady and she is said to have hit the victim with cricket bat. Single blow is alleged to have been given. No offence u/S 307 of the Indian Penal Code is made out. The petitioner had no intention to commit murder of the victim. At best, it is a case for offence under Section-325 of the Indian Penal Code.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Madhaura (Gaura O.P.) P.S. Case No. 11 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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