

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24586 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- KONCH District- Gaya

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1. SUBHASH PRASAD SON OF VIJAY PRASAD @ VIJAY MAHTO R/O VILLAGE- UTREN, P.S.- KONCH, DISTRICT- GAYA
 2. DROPADI DEVI @ DHURPATI DEVI WIFE OF VIJAY PRASAD @ VIJAY MAHTO R/O VILLAGE- UTREN, P.S.- KONCH, DISTRICT- GAYA
 3. VIJAY PRASAD @ VIJAY MAHTO SON OF LATE PARMESHWAR MAHTO R/O VILLAGE- UTREN, P.S.- KONCH, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Adv.

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

Mr.Ujjawal Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Learned counsel for the petitioners 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.

Learned counsel for the petitioner seeks permission to withdraw this application as against petitioner no.3, as during pendency of this application, he has been apprehended.

Permission is granted.

This application with regard to petitioner no.3 is dismissed



as withdrawn.

Now, it is being heard as against petitioner nos.1 and 2.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1 also.

Permission is granted.

This application is dismissed as withdrawn as against petitioner no.1.

However, petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Now, this application survives only against petitioner no.2.

The petitioner apprehends her arrest in a case registered for the offence punishable u/s 341, 323, 308, 379, 504, 506/34 IPC.

Petitioner no.2 is alleged to have assaulted informant's wife by means of lathi and iron rod causing injury on her wrist.

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. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that for the alleged occurrence, there is a case and counter-case



between the parties. A free fight has taken place between the parties in which both sides have sustained injuries. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submits that the injuries are grievous in nature.

Having regard to the facts and circumstances of the case and on perusal of record, it is apparent that though the injuries are grievous in nature but the same is not attributable upon the petitioner no.2, who has assaulted informant's wife on her wrist. Considering the same, let the above named petitioner no.2, 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 connection with Konch P.S. Case No.334/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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