

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42924 of 2022**

Arising Out of PS. Case No.-219 Year-2022 Thana- CHAPRA TOWN District- Saran

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Babita Rani @ Babita Devi Wife Of Sanjay Kumar Bharti R/O
Village/Mohallah- Purnai Gurhatti, P.S.- Chapra Town, District- Saran At
Chapra (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 15-11-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner is apprehending her arrest in a case
registered for the offence punishable under Sections 341, 323,
308, 504 and 34 of the Indian Penal Code.

According to prosecution, on 05.04.2022, in the
morning, when one Manish Kumar was at his house, out of land
dispute, the accused persons came and surrounded and hurling
abuses and SanjayKumar Bharti and Babita attacked and caused
injury on his head with iron rod for which blood started oozing
out, he fell down then co-accused Rinsu Kumari and Rinku
assaulted with bricks. According to Manish Kumar it has done



to put pressure to compromise the earlier case vide Chapra Town P.S. Case No. 247 of 2017.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that the present case is the counterblast of the Chapra Town P.S. Case No. 218 of 2022 filed by the petitioner against the informant. He further submits that it appears from the FIR there is specific allegation that the petitioner and her husband assaulted the informant. He further submits that in fact the injury report suggests that the injury is grievous in nature but which injury is grievous in nature is not ascertained by the injury report.

The learned counsel for the informant as well as the learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against the petitioner and the injury report suggests that the same is grievous in nature.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of her arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chapra Town P.S. Case No. 219 of



2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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