

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53768 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- KACCHWA District- Rohtas

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MOGIYA DEVI @MANAGIYA DEVI @ MUGIYA DEVI Wife of Munmun
Singh Resident of Village- Ibrahimpur, P.S.- Kachchhawa, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 his arrest in a case registered for the offence punishable under Sections 341, 323, 324, 308, 379, 504, 506, 34 of the Indian Penal Code.

The allegation against the petitioner is that on her instigation the other accused persons have abused and assaulted the informant.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to land dispute. 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. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and both sides have sustained injuries. Injury found upon the victim is simple in nature. The occurrence took place on 09.10.2020 while the F.I.R. was lodged on 21.10.2020 i.e. after 11 days of the occurrence without any plausible explanation for such delay creates doubt about the prosecution case. Petitioner has no criminal antecedent and similarly situated co-accused namely Shri Bhagwan Singh has been enlarged on anticipatory bail by this Court vide order dated 12.05.2022, passed in Cr. Misc. No.53155 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of his 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 Kachchhawa P.S. Case No.44/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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