

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47703 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- KASHICHAK District- Nawada

SHAILA DEVI W/o Late Ram padarath Singh R/o village- Daulachak, P.S.-
Kashichak, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant
through Virtual Court Proceedings.

The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 307 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of four cases and is a senior citizen aged about 71 years and is a woman, it is next submitted that all the four cases were filed by her brother-in-law and nephew.

The informant alleges that on account of dispute relating to land, Tripurari assaulted Ajay with butt of pistol causing injury on head and fired at him, petitioner snatched Rs.



5,000/- from her husband and Nitish assaulted Ajay with *Khanti* causing injury on head.

Learned counsel for the petitioner next submits that the present case also has been instituted by the sister-in-law of the petitioner, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that on account of dispute relating to land, the present occurrence is alleged to have taken place in which it is alleged that petitioner snatched Rs. 5,000/- from her husband though specific allegation of assault is against Nitish and Tripurari.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that petitioner has antecedent of seven cases and only four antecedents have been given at Para-3 of the anticipatory bail application.

Learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits that it may be a possibility that the deponent of the case was not fully aware and as such he was not able to give proper information, it is next submitted that even presuming what has been submitted by the learned counsel for the informant to be



true then also in the nature of allegation, it is only alleged that she had snatched Rs. 5,000/- from the pocket of the husband of the informant without alleging any specific overt act. It is also submitted that the age of the petitioner should also be kept in mind that she is a senior citizen and on account of dispute relating to property, cases after cases are being instituted against her.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kashichak P.S. Case No. 92 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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