

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59883 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- RAJNAGAR District- Madhubani

RUCHI KUMARI @ RUCHI MISHRA Wife of Santosh Kumar Jha Resident of Village- New Chakdah near Station, Ward No. 1, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Vivek Kumar, Adv. Mr. Udeshya Kumar Yadav, Adv.
For the State	:	Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Rajnagar P.S. Case No. 208 of 2021 registered for the offence punishable under Sections 341, 504, 506, 323, 324, 325, 307 and 34 of the Indian Penal Code.

The allegation is regarding the petitioner and her husband having engaged in quarrel with the informant and her husband on account of certain dispute resulting in the husband of the informant having assaulted the husband of the petitioner. It is



also alleged that subsequently, the petitioner had brought an iron rod from her house, which is situated on the first floor while the informant and her husband live on the ground floor and the said iron rod was used by the husband of the petitioner to assault the husband of the informant resulting in him being injured. It is also alleged that when the informant had gone to save her husband, the accused persons had also assaulted her.

The learned counsel for the petitioner submits that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has referred to the supplementary affidavit, filed in the Court today, which has been taken on record, to show that as far as the injuries caused on the person of the husband of the informant are concerned, the same have been found to be simple in nature, however, the injuries inflicted on the informant have been found to be grievous in nature. It is thus submitted that a bare perusal of the FIR in question would show that the



injuries inflicted on the informant appear to be attributable to the husband of the petitioner herein, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the main assailant appears to be the husband of the petitioner and as far as the petitioner is concerned, a general and omnibus allegation has been levelled and even if it is to be accepted that the petitioner had assaulted the husband of the informant, the injury report shows that the injuries sustained by the husband of the informant are simple in nature, apart from the fact that the petitioner is a lady and she is having a clean antecedent, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory



bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Madhubani, in connection with Rajnagar P.S. Case No. 208 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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