

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63166 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- JOGAPATTI District- West Champaran

1. SEEMA DEVI WIFE OF VIRENDRA CHAUDHARY RESIDENT OF VILLAGE- NAWALPUR, P.S.- JOGAPATTI, DISTRICT- WEST CHAMPARAN
2. RAMASHANKAR CHAUDHARY SON OF LATE NATHUNI CHAUDHARY RESIDENT OF VILLAGE- NAWALPUR, P.S.- JOGAPATTI, DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Informant	:	Ms. Anjali Kumari, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-07-2022 By order dated 13.01.2022, the prayer for anticipatory bail of petitioner no. 2 has already been dismissed as withdrawn.

Heard learned counsel for the petitioner no. 1, the informant and learned A.P.P. for the State.

The petitioner no. 1 apprehends her arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 354B, 379, 307, 504, 506 and 302 of the Indian Penal Code.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is person with clean antecedent and is a lady.

The informant alleges that on 06.06.2021 while she was sitting at her door then, on account of previous land dispute,



her neighbour Ramashankar Chaudhary came to her house along with his associates, namely, Surendra Chaudhary, Virendra Chaudhary, Sanjeev Chaudhary, Manish Chaudhary, Seema Devi, Khusbu Kumari and Ramesh Chaudhary, all were variously armed and started abusing her. It is alleged that Ramashankar Chaudhary assaulted the informant with lathi on her left hand and Ramesh Chaudhary assaulted her with lathi on her chest, neck and back as a result of which she sustained serious injury and fell down on the ground. When the husband of the informant came to rescue her then on order of Ramashankar Chaudhary, Surendra Chaudhary assaulted her husband on his nose by an iron rod and Virendra Chaudhary also assaulted him on his neck and other accused persons assaulted her husband badly as a result of which he became unconscious. It is alleged that Sanjeev Chaudhary torn her blouse and other accused persons stolen away Rs.10,000/- from her house. It is alleged that petitioner no. 1 and Khushbu Kumari snatched Mangalsutra from her neck.

Learned counsel for the petitioner no. 1 submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that petitioner no. 1 is not alleged to be the assailant. It is next submitted that the allegation of assaulting the



informant and the husband of the informant is specific as detailed in the FIR. It is next submitted that as far as allegation of snatching Mangalsutra from the neck of the informant is alleged the same is ornamental in nature.

Learned A.P.P. for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner no. 1 but are not able to meet the submission of the learned counsel for the petitioner no. 1 that there is no specific allegation against the petitioner no. 1 of assault.

At this stage, learned counsel for the petitioner no. 1 very fairly submits that process under Section 82 of the Cr.P.C. was issued against the petitioner no. 1 on 27.10.2021 but he had already approached this Court and before that was availing his remedy available in law before the learned court below much before issuance of the process under Section 82 Cr.P.C. It is next submitted that the present anticipatory bail application was filed before this Court on 29.10.2021 and, as such, much prior to the date, the anticipatory bail application was already filed before the learned court below.

Considering the submissions made by the learned counsel for the petitioner no. 1, the petitioner no. 1 above-named, in the event of her arrest or surrender before the learned



Court below 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 court below where the case is pending/successor court in connection with Jogapatti (Nawalpur) P.S. Case No. 247 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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