

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58493 of 2022

Arising Out of PS. Case No.-204 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Soni Devi @ Soni Kumari, W/o Balindar Sahni D/o Vijay Sahni and wife of Balindar Sahni, R/o Vill- Dharpur, P.S.- Meenapur, Distt- Muzaffarpur (wrongly mentioned as resident of Village- Madhaul, P.S.- Runni Saidpur, Distt- Sitamarhi in the First Information Report, which is the Parental Village 'Naihar' of the petitioner).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaidehi Raman Prasad Singh, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is in judicial custody with a small child of about nine months.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Runni Saidpur P.S. Case No. 204 of 2022, registered for the alleged offences under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code and later on Section 302 IPC was also added.

As per prosecution case, the petitioner and the other co-accused persons came to the doors of the informant and they were variously armed. They started hurling abuses and when the



father of the informant forbade them for doing so, the co-accused assaulted him with '*daab*'. When the informant tried to save his father, the petitioner caught hold of him from behind and the other two co-accused persons assaulted him with bamboo stick. The father of the informant was referred to the hospital where he succumbed to his injury during the course of treatment.

The learned counsel for the petitioner submits that only allegation against this lady petitioner is that she caught hold of the informant and the other co-accused persons assaulted him with bamboo stick. The persons against whom the allegation of assault has been made have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 57430 of 2022. The specific allegation of assault on the father of the informant is on the co-accused Raja Kumar. There is no further allegation of any overt act of assault by this petitioner. The petitioner has given birth of a male child on 05.03.2022 and she is in custody since 11.08.2022 and her child is with her in the prison. The charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made herein above and considering the fact that the petitioner is a lady and there is no serious allegation against her and further considering the submission of charge sheet along with her clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Runni Saidpur P.S. Case No. 204 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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