

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6219 of 2023

Arising Out of PS. Case No.-114 Year-2020 Thana- WAJIRGANJ District- Gaya

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1. Vijay Prasad @ Bijay Prasad S/O Ramdeo Mahto R/v- Tarwan, P.S.- Wazirganj, District- Gaya
 2. Munni Devi W/O Vijay Prasad R/v- Tarwan, P.S.- Wazirganj, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-05-2023 At the outset, the learned counsel for the petitioners seeks not to press the present petition qua the petitioner no.1, however, seeks liberty on his behalf to enable him to surrender before the learned trial Court, within a period of four weeks from today and file appropriate petition for grant of regular bail, nonetheless, seeks a direction upon the learned trial Court to consider and dispose off the petition, to be filed by petitioner no.1, for grant of bail on the very same day. It is directed accordingly.

The present petition qua the petitioner no.1 stands dismissed as not pressed.



Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Wazirganj P.S. Case No.114 of 2020, registered for offences under Sections 341, 323, 307, 325, 385, 504, 379/34 of the IPC.

The case of the prosecution, in brief, according to the informant, is that on 10.03.2020, at about 5:00 P.M., the accused persons had arrived at the house of the informant, whereafter the petitioner no.1 had assaulted the informant on his hand, resulting in him sustaining fracture in his left hand and then it is alleged that when one Mahendra Kumar came to rescue the informant, he was also assaulted by the other accused persons.

The learned counsel for the petitioner has submitted that as far as the petitioner no.2 is concerned, she 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 further submitted that the petitioner



no.2 is not alleged to have engaged in any sort of overt act, hence, at least, she is entitled to the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail of the petitioner no.2.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no.2 has not specifically been alleged to have assaulted the informant and others, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, the above named petitioner no.2 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 A.C.J.M.-1st,
Gaya in connection with Wazirganj P.S. Case
No.114 of 2020, 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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