

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14380 of 2023

Arising Out of PS. Case No.-116 Year-2022 Thana- KHUDAGANJ District- Nalanda

Nilam Devi, Wife of Nityanand Mistri, R/V- Sarthua Khurd, P.S.- Khudaganj,
District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Bishwa Bijay Kumar, Advocate
For the Opposite Party/s :	Mr. Surendra Prasad Singh, APP
For the Informant :	Mr. Ranjit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Khudaganj P.S. Case No. 116 of 2022 registered for the offences punishable under Sections 341, 323, 504, 354, 379, 506, 34 of the Indian Penal Code. She has no criminal antecedent.

Learned counsel for the petitioner submits that as per the first information report, the allegation against the petitioner is that she had given a blow on the head of the informant by a *Daab* whereafter her husband gave repeated blow on the head of the informant as a result of which he started bleeding. It is stated that all the injuries are simple in nature caused by sharp cut substances. However, there is no allegation of repetition of the



blow against the petitioner.

On the other hand, learned counsel for the informant has opposed this application. It is submitted that on a bare perusal of the fardebyan of the informant, it would appear that his fardebyan was recorded on 11.07.2022. It was recorded in the Patna Medical College & Hospital where he was receiving treatment and the same was forwarded to the S.H.O., Khudaganj in the district of Nalanda but because the brother of this petitioner is in police service, the FIR was not registered for a long time and only after making a complaint with the Superintendent of Police, the FIR was lodged on 21.08.2022.

It is submitted that it is difficult to understand the conduct of the doctor also who has though found five injuries on the head of the informant and all caused by sharp cut substances on the vital part of the body and still the injuries are reported to be simple. It is submitted that the entire investigation is being influenced by the brother of the petitioner who is in police service.

Having regard to the facts and circumstances of the case, there being a specific allegation against the petitioner that she had assaulted on the head of the informant by a sharp cut substance like *Daab* and the same is getting support from the



injuries present on the head of the informant, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

The prayer is refused.

If the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, the same will be considered without being prejudiced by this order of this Court.

Let a copy of this order be sent to the Superintendent of Police, Nalanda to take note of the kind of grievance raised by the informant in course of submissions in this case.

This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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