

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16081 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- SONO District- Jamui

=====

Bhawani Devi @ Bhawani Kumari, Wife of Kanhaiya Yadav, R/V-
Bhalsumia, P.S- Sono (Charka Pathar) Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

Mr. Pakaj Kumar Sinha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State as well as learned counsel for

informant.

The petitioner is apprehending her arrest in
connection with Sono (Charka Pathar) P.S. Case No. 138 of
2022 registered for the offence punishable under Sections 147,
149, 341, 323, 448, 324, 325, 307, 379, 504 and 302 of the
Indian Penal Code.

There is allegation of indiscriminate assault by the
accused persons on the family members of the informant arising
out of previous enmity, and some occurrence earlier in the day.

Learned counsel for the petitioner submits that there is
a specific assault attributed against the petitioner by sharp
cutting article on the hand of one *Dalo Yadav*. Referring to the
injury report (Annexure-2), it is submitted that the said assault is



not corroborated. In fact, on account of occurrence, all members have been implicated in the case and as such the petitioner, a female, is apprehending her arrest in the instant case. She has no criminal antecedent.

Learned APP as well as learned counsel for the informant have vehemently opposed the prayer for pre-arrest bail. It is submitted that the injury report is followed by a covering letter by the medical officer, which shows that all injuries are simple in nature. By referring to the same, an attempt is made to cast doubt on the details of the injury details preceding the same.

This Court, however, would find that the injury sustained, as per record *prima facie* appears to be the injuries which are attributed to co-accused *Kanahiya* and *Krishna*. As per prosecution case, the same does not support the allegation against the instant petitioner.

Having regard to the above consideration and also the fact that petitioner is a female and having no criminal antecedent, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Sono (Charka Pathar) P.S. Case No. 138 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Sumit/Gaurav.S-

U		T	
---	--	---	--

