

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16918 of 2023

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

SHARDA DEVI @ SAVITA DEVI W/o Yugal Yadav Resident of Village-
Bhalsumia, P.S. Sono (Charka Pathar), District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 31-05-2023 Heard the parties.

The petitioner apprehends her arrest in connection with Sono (Charka Pathar) PS Case No. 138 / 2022 dated 14-05-2022 registered under Section 147, 149, 341, 323, 448, 324, 325, 307, 379, 504 & 302 of the IPC.

As per the FIR while the nephew of the informant was returning on his motorcycle after attending a ceremony and was surrounded by the accused persons, twelve in number, and due to scuffle between them, the named accused persons Jugal Yadav, Lalu Yadav and Chandrika Yadav assaulted Khuni Yadav by means of back side of the spade, iron rod etc. due to which he fell down and thereafter



the co-accused / Ashok Yadav assaulted Khuni Yadav by means of stone on his head. It has further been alleged that while the victim fell on the ground, the petitioner - Sharda Devi, Kanhaiya Yadav and Krishna Yadav allegedly assaulted him due to which Khuni Yadav received serious injuries on his head and other parts of the body and died. It has again been alleged that petitioner with the help of Kanhaiya Yadav and other assaulted one Bhim Yadav on his head as well as on hand due to which he sustained injuries.

Learned counsel for the petitioner submits that altogether 14 persons have been made accused in the present case on a trivial issue of playing DJ in the ceremony. He further submits that the deceased- Khuni Yadav was assaulted by altogether five named accused persons and the allegation against the petitioner, who is a lady, is that after the deceased fell down on the ground she also assaulted along with two other persons. The weapon of assault has not been described in FIR. Injury caused to Bhim Yadav has been found to be simple in nature as would be evident from the injury report (Annexure – 2).

On the other hand, learned counsel for the



informant vehemently opposed the prayer for bail and submits that there is specific allegation against the petitioner that she along with others assaulted the deceased as well as injured-victim Bhim Yadav and altogether four persons including the deceased sustained injury in the fight.

Regard being had to the submission made by the parties, taking into consideration the fact that there is specific allegation of assault on the deceased upon five accused persons by means of various weapons but general and omnibus allegation against the petitioner along with others is that she assaulted after the deceased fell down on the ground but weapon of assault has not been mentioned in the FIR, the injury caused to Bhim Yadav has been found to be simple in nature, the petitioner is a lady having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Jamui in connection with
Sono (Charka Pathar) PS Case No. 138 / 2022 subject to
the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Anil Kumar Sinha, J)

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