

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20339 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- KHAGARIA District- Khagaria

KUSUM DEVI wife of Mr. Raj Kumar Resident of C2 Judicial officers Colony, Khagaria, Police Station - Khagaria (Mufassil), District - Khagaria.
.. ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25071 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- KHAGARIA District- Khagaria

Raj Kumar Son Of Sri Baij Nath Vaish R/O- C-2 Judicial Officer Colony, Khagaria, P.S.- Khagaria (MUFASSIL), District- Khagaria
... ... Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20339 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 25071 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Ms. Vaishnavi Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 25-01-2023 Heard Mr. Ajay Kumar Thakur, learned Senior Counsel for the petitioners duly assisted by Ms. Vaishnavi Singh and Mr. Bharat Bhushan and Mr. Jitendra Kumar Singh, learned APPs who represents the State.

The petitioners are apprehending arrest in connection with Khagaria (Mufassil) P.S. Case No. 157 of 2022 under sections 341, 342, 323, 337, 338, 307/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged



that his father was posted as Security Guard at the residence of the petitioner in Cr. Misc. No. 25071 of 2022. Further, he received a telephonic information that his father has been badly assaulted by the petitioner herein as also his wife and his condition is serious.

Upon information, he went to Khagaria hospital and found his father in unconscious condition. Further, he saw injury on his head and due to external injury, he was vomiting blood. Later, he was shifted to Begusarai on Ambulance. The further allegation is that the Officer as also his wife wanted his father to do household work and upon denial, he was assaulted. As he fell down, his head hit the ground causing injuries. He further got stated that these facts were narrated by a Home Guard, Satyendra Paswan who had seen the occurrence.

Subsequently, father of the informant succumbed to the injuries and later, once the permission granted, the present FIR was lodged against the two petitioners, the husband and the wife.

In this case, the police investigated the matter and recorded statement of the Home Guard personnels posted in the house of the petitioner, Raj Kumar (Cr. Misc. No. 25071 of 2022) who supported the prosecution story alleging that when



the concerned Officer returned from the morning walk, he found the gate of his residence unmanned and thus enquired the matter. The informant's father was posted at that relevant time and some altercation took place between the deceased and the petitioner whereafter it is alleged that the petitioner used the butt of gun of the deceased Home Guard personnel to hit him. The further allegation is that the wife, Kusum Devi (Cr. Misc. No. 20339 of 2022) upon hearing the noise too came and assaulted the deceased by bricks. Subsequently, the petitioner, Raj Kumar called the police, the deceased was disarmed and taken to the police station.

Later, considering the serious condition of the Home Guard personnel, he was shifted to Khagaria Hospital and then to Begusarai where as stated, he succumbed to the injuries.

Taking into account the kind of allegation that has come against the petitioner, Raj Kumar of Cr. Misc. No. 26071 of 2022, so far as the prayer for anticipatory bail is concerned, the same cannot be extended to him and is accordingly rejected.

Regarding petitioner, Kusum Devi in Cr. Misc. No. 20339 of 2022, is concerned, although the allegation of assault is also against her, considering the fact that the lady is ill, suffering from malignancy and the documents to this effect of



different hospitals including that of Sir Ganga Ram Hospital, Delhi have been attached, in view of the fact that she do not have criminal antecedent and will be duty bound to appear in the trial, this Court is inclined to extend her the privilege of anticipatory bail which is allowed subject to certain conditions:

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of her bail bonds;

(iii) the petitioner shall surrender her passport, if any, before the Court concerned.

Let the petitioner namely Kusum Devi (in Cr. Misc. no. 20339 of 2022) be released on bail, in the event of her arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st, Khagaria, in connection with Khagaria (Mufassil) P.S. Case No. 157 of



2022 subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay Singh

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