

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20622 of 2023

Arising Out of PS. Case No.-3 Year-2021 Thana- JHANJHARPUR District- Madhubani

LILA DEVI W/O VIJAY SAH @ LADDU SAH R/O VILLAGE-
KANHAULI, WARD NO. 6, P.S-JHANJHARPUR, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr.Adv. Mr. Lakshmi Kant Sharma Mr. Akshay Ashish
For the Opposite Party/s :	Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 25-07-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offence under Sections 447, 448, 341, 323,
354, 302, 504/34 of the Indian Penal Code.

3. The allegation in the F.I.R. is that this petitioner
alongwith other accused persons badly assaulted informant's
husband Lalit Sah and other family members, including
informant, on account of which, husband of informant was
taken to a hospital in Darbhanga and from where, he was
referred to P.M.C.H., Patna, and during course of treatment at
P.M.C.H., Patna the husband of informant succumbed to his
injuries.



4. It is submitted on behalf of petitioner that petitioner is own sister of the deceased (Lalit Sah) and the informant has lodged this case with *malafide* intention. As per F.I.R. itself, specific accusation of assault is against co-accused Vijay Sah. So far as this petitioner is concerned, this petitioner alongwith other co-accused persons assaulted the son of informant. The F.I.R. has been lodged after a delay of 11 days and there is no plausible explanation of delay, which itself creates doubt over the prosecution case. Thrust of the accusation is against co-accused Vijay Sah, who is already in custody. Petitioner has got clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the fact that specific accusation of assault to deceased is against co-accused Vijay Sah and petitioner is lady, having clean antecedent, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st Jhanjharpur, District Madhubani in connection with Sessions Trial No. 232 of 2021, arising out of Jhanjharpur P.S. Case No. 03 of 2021,



subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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