

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30336 of 2023

Arising Out of PS. Case No.-241 Year-2001 Thana- DANAPUR District- Patna

Kanti Devi W/o Late Jitendra Rai Resident of Mohalla-Chitrakut Nagar, P.S.-
Danapur, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagmani Kumar

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

3. Prosecution case in brief is that on the alleged date and time of occurrence, there was a fight between the wife of informant and his neighbour namely, Jitendra Rai and his wife Kanti Devi (petitioner). Both Jitendra Rai and this petitioner assaulted the wife of informant with brick on her stomach. When informant came to save his wife, the accused persons also assaulted him brick. The wife of informant died on the way to the hospital.

4. It is submitted that petitioner is niece (*Bhagini*) and



neighbour of the informant. The informant was not present at the time of occurrence. It is further submitted that co-accused Jitendra Rai, husband of the petitioner was arrested and faced trial in Sessions Trial No. 291 of 2002 in which all the witnesses including informant turned hostile and acquitted after found not guilty. Petitioner is a lady and claims clean antecedent.

5. Considering the facts aforesaid and the fact that similarly situated co-accused has been acquitted by the court below, the petitioner above-named, in the event of her arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned Judicial Magistrate Ist Class, Danapur, Patna in connection with Danapur P.S. Case No. 241 of 2001, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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