

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25686 of 2023

Arising Out of PS. Case No.-176 Year-2022 Thana- BAKHARI District- Begusarai

RAJIYA DEVI@RAJIA DEVI@RADHA DEVI WIFE OF RAMADEV
SHARMA VILLAGE- MAUJI THAN SINGH, PS- BAKHRI, DISTT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Sinha

For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2023 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bakhri Police Station Case No. 176 of 2022, dated
04.06.2022, disclosing offences under Sections 302/34 of the
Indian Penal Code.

The prosecution case, on the basis of the First
Information Report, is that the accused persons, named in the
First Information Report, were constructing hut on the land
belonging to the informant which was objected by the son-in-
law of the informant and his wife, upon which one Deepak
Kumar assaulted the informant's son-in-law by means of
bamboo causing head injury due to which he died in the



hospital. It has further been alleged that when son-in-law of the informant fell on the ground other accused persons also assaulted by means of bamboo, danda, etc.

Learned Counsel for the petitioner submits that the petitioner happens to be the step-mother of the deceased and she has falsely been implicated in this case on the basis of general and omnibus allegation. He further submits that from perusal of the First Information Report, it would be evident that specific allegation of assault is upon Deepak Kumar. He next submits that the petitioner is a lady aged about 83 years and it is highly improbable that she will assault the deceased by means of bamboo or danda etc. He next submits that the police, after investigation, submitted the final form exonerating the petitioner from allegation, however, the learned Magistrate differed with final form and took cognizance against the petitioner.

Learned counsel for the informant vehemently opposes the prayer for bail against the petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration generality of the allegation against the petitioner, the petitioner is an old lady aged about 83 years and the police, after investigation, submitted the final form, accordingly, I am inclined to grant the



petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Sub-Judge VII-cum-Additional Chief Judicial Magistrate VI, Begusarai, in connection with Bakhri Police Station Case No. 176 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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