

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29992 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- TEKARI District- Gaya

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1. SAMAR KUMAR Son of Umesh Prasad Singh Resident of village - Jamuaara, P.S - Tikari, Distt. - Gaya - 824236
 2. Nigam Devi Wife of Samar Kumar Resident of village - Jamuaara, P.S - Tikari, Distt. - Gaya - 824236

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navjot Yesu, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard the parties.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1

5. However, if petitioner no.1 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that both the parties are agnates.



6. Now, this application survives for petitioner no.2 only.

7. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 341, 323, 337, 307 and 34 of the Indian Penal Code.

8. Allegedly, due to partition dispute, petitioner along with her husband assaulted the informant and his wife brutally with deadly weapons and bricks due to which they sustained injuries.

9. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Both the parties are agnates. No such occurrence as alleged ever took place. She has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is serious allegation of assault against the petitioner and the injury sustained by the informant was found grievous in nature, hence the petitioner does not deserve anticipatory bail.

11. Having regard to the facts and circumstances of the



case, as petitioner no.2 is a lady, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Tikari P.S. Case No. 167 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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