

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31136 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- MADHAURAH District- Saran

Mamta Kunwar @ Mamta Devi @ Mamta Kuwar wife of LATE RAMBABU
MAHTO Village- Pakahan Station Road Madhaurah, PS- Madhaurah, Dist-
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Sri Nath, Advocate Mr. Kumar Rajdeep, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Ram Binod Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioner, the learned A.P.P. for the State and the learned counsel for the informant.
2. The petitioner apprehends her arrest in connection with Madhaurah/Marhowrah P.S. Case No. 110 of 2023, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code.
3. The allegation is regarding the informant being engaged in construction of his house with the help of labourers on his land on the alleged date and time of occurrence and when he had gone for having lunch in the afternoon, four named



and three unnamed accused persons including the petitioner herein, had arrived there and assaulted the labourers present there including one Pankaj Kumar, with iron rod and daab resulting in the said Pankaj Kumar sustaining grievous injuries, whereafter, upon being informed, the informant had also arrived there and when he had tried to intervene, he was also assaulted by the accused persons and then they had snatched the motorcycle of the informant and fled away.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a clean antecedent. The learned counsel for the petitioner has further submitted that the other male accused persons might be responsible for the alleged occurrence, however, as far as the petitioner is concerned, who is a lady, cannot be stated to have assaulted a labourer, namely, Pankaj Kumar.

5. Per contra, the learned A.P.P. for the State and the learned counsel for the informant



have vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, who is a lady, benefit of doubt can be granted to her, however, with an observation that while considering the case of the other accused persons, for grant of bail, the present order would not prejudice the case of the prosecution, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of her arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No. 110 of 2023,subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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