

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34242 of 2023

Arising Out of PS. Case No.-298 Year-2022 Thana- DIGHA District- Patna

Kabita Devi @ Kavita Kumari W/O Sanjay Kumar @ Sanjay Rai R/O Ramji
Chak Digha, Prem Rai Gali, Bataganj, P.S.-Digha, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Umesh Kumar Verma, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner apprehends her arrest in connection
with Digha P.S. Case No. 298 of 2022 registered for the offence
punishable under Sections 341, 323, 325, 307, 354(A)/34 of the
Indian Penal Code.

3. Allegedly, all the FIR named accused persons
assaulted the daughter of the informant and torn her clothes and
tried to kill her by pushing her in the well.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is a hapless lady and both
the petitioner and the informant are their own *gotnies*, however,
on account of family feud, this FIR has been instituted. Further
submissions has been made that there is a counter version of the
present case being Complaint Case No. 7205 of 2022 instituted



by the petitioner and in the said case also cognizance has been taken against the informant and her husband. He next submits that no specific allegation has been levelled against the petitioner and, moreover, so far Section 307 of the Indian Penal Code is concerned, no ingredient is available constituting the same.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

6. Having considered the submissions made on behalf of the parties and considering the nature of allegation and the relationship between the parties, coupled with the fair antecedent and the counter version of the present case, let the above named petitioner, be released on bail, in the event of her arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna in connection with Digha P.S. Case No. 298 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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