

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34186 of 2023

Arising Out of PS. Case No.-541 Year-2022 Thana- FATEHPUR District- Gaya

SUNITA DEVI LATE SUBHASH SINGH RESIDENT OF VILLAGE
LODHWAY PS- FATEHPUR, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody since 2.2.2023 in connection with Fatehpur P.S. Case No. 541 of 2022 for the offence punishable under Sections 341, 323/307 of the Indian Penal Code lodged on 30.8.2022 by the informant Rama Devi.

The prosecution story, in brief, is that on 29.8.2022, the informant alleged that while she was sleeping in her house, in the meantime, 'Motihariwali Gotni' entered her house, pressed her mouth and started assaulting with iron rod, as a result, she got injured and became senseless.

As per the FIR, the informant has alleged that 'Motihariwali gotni' assaulted her causing injury. His further submission is that there was family dispute in which exaggerating the allegation, the present FIR has lodged. They



are family members and the petitioner has already suffered by being in custody since 2.2.2023 (as stated in para-17 of the bail petition). It is his further contention that without accepting the allegation and outcome of the present case, she would like to pay Rs. 10,000/- to the informant for the medical expenses.

Learned APP opposes the prayer but concedes that the medical opinion was reserved and as such it is not clear whether the injury is simple or grievous.

Considering the fact that the petitioner is a lady, is in custody since 2.2.2023 and will ultimately face the trial, this Court is inclined to extend her the privilege of bail with conditions subject to payment of Rs. 10,000/- to the informant to be deposited with the concerned Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Gaya, in connection with Fatehpur P.S. Case No. 541 of 2022 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

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