

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38622 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- BHAWANIPUR District- Purnia

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BIRMA DEVI Wife of Arun Singh Resident of Village - Akbarpur, P.S.-
Bhawanipur (Akbarpur O.P.), District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rupa Devi Wife of Chhotu Rajak Resident of Village - Akbarpur, P.S.-
Bhawanipur (Akbarpur O.P.), District - Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard Mr. Raj Kumar, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is an accused in connection with
Bhawanipur (Akbarpur O.P.) P.S. Case 88 of 2023 registered for
the offences under sections 341, 323, 307, 498(A), 504 and 506
of the Indian Penal Code lodged on 13.04.2023 by the
informant, Rupa Devi.

The prosecution case, in brief, is that the informant



namely Rupa Devi has given typed application before the S.H.O. of Akbarpur O.P. on 12.04.2023 alleging therein that on same date at about 07:00 PM in evening, husband of informant namely, Chhotu Rajak @ Raushan Rajak came along with Birma Devi and started assaulting the informant without any reason. He asked the informant to leave the house and he will keep Birma Devi as wife. When informant chose not to go out, Birma Devi exhorted that unless the informant is not killed, she will not allow to live together.

On which, he started assaulting the informant by means of iron rod. The informant tried to escape but Birma Devi caught her and asked the husband of the informant to kill her. As informant shouted, her mother-in-law of informant came to save her and when she too was assaulted as a result she became unconscious. The assault on her made her unconscious too. Accordingly, the FIR.

It has been contended that the petitioner is a villager, nothing to do with the person and only she has been implicated on suspicion, she deserves bail.

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that she is not a family member.

Considering the fact that she is a lady, do not have



criminal antecedent and is in custody since 14.04.2023 (as stated in paragraph 4 of the bail petition), this Court is inclined to extend her privilege of bail.

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 the learned Chief Judicial Magistrate, Purnea in connection with Bhawanipur (Akbarpur) P.S. Case No. 88 of 2023, 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 her 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 the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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