

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41244 of 2023

Arising Out of PS. Case No.-71 Year-2015 Thana- BANKA District- Banka

DEJI DEVI Wife of Pappu Mandal Resident of village - Parghari, P.s. -
Barahat, Distt. - Banka

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Praveen Kumar, Advocate

For the Opposite Party : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Banka (Barahat) P.S. Case No. 71 of 2015 registered for the offences punishable under Sections 341, 302, 323, 504, 34 of the Indian Penal Code. She has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while her goat had gone in the house of the petitioner then the petitioner started beating her goat and when she tried to stop her, she was assaulted and abused by the petitioner. The informant further alleged that co-accused Pappu Mandal, Haldhar Mandal and this petitioner came at the house of the informant and broke the door and Pappu Mandal



assaulted the husband of the informant over his head by iron rod, Haldhar Mandal also assaulted him with danda over his head as a result of which the husband of the informant died in course of treatment.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the specific allegation of causing assault on the husband of the informant has been made against co-accused Pappu Mandal and Haldhar Mandal, so far as the present petitioner is concerned, she is said to have assaulted the informant but no injury has been reported.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the specific allegation of causing assault on the husband of the informant has been made against co-accused Pappu Mandal and Haldhar Mandal, so far as the present petitioner is concerned, she is said to have assaulted the informant but no injury has been reported and even though the police has submitted a charge-sheet against Pappu Mandal and Haldhar Mandal earlier under Section 341, 304, 323, 504 and 34 of the I.P.C., the investigation against the petitioner was



kept pending, recently a warrant of arrest has been issued against her, there being no specific allegation of overt act against the petitioner, in the circumstances, this Court directs that in case of her arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Smt. Sobhna Swetanki, learned Judicial Magistrate - 1st Class, Banka, in connection with Banka (Barahat) P.S. Case No. 71 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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