

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45800 of 2022

Arising Out of PS. Case No.-794 Year-2021 Thana- KAHALGAON District- Bhagalpur

Punam Devi @ Poonam Devi Wife Of Raman Kumar R/O Village- Shahpur,
Gopalpur, Ghogha, P.S.- Kahalgaon (GHOGHA), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends her arrest in connection with Kahalgaon (Ghogha) P.S. Case No.794 of 2021 instituted under Sections 323, 341, 307, 385, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, one Diwakar Kumar lodged the F.I.R. stating that on the order of the present petitioner, her husband Raman Kumar who is own brother of the informant opened fire causing injury on his thigh. The further allegation against the petitioner is that she gave knife blow to the other family members.

Learned counsel for the petitioner submits that both the informant and the petitioner are family members and on the rush of blood, sometimes minor incident happened which gets



exaggerated and although the same is condemnable, the fact remain that the injury sustained by the victim have been found to be simple in nature as would reflect from Annexure-2 Series which has been incorporated in the petition.

It is his further submission that irrespective of the outcome of the result of this case, in view of the fact that the victim are her family members she is ready to pay Rs.15,000/- each as treatment cost to Pawan Kumar Pawan, Khushbu Devi as also Randhir Kumar through Bank Draft issued by the local State Bank of India Branch. Further, the petitioner's husband is already in jail.

Learned APP on the other hand opposes the bail stating that it was only due to her extortion that the entire incident happened.

Taking into account that the petitioner is lady, she do not have any criminal antecedent, the injuries have been found to be simple in nature and as informed by the learned counsel for the petitioner, her husband is in jail, this Court is inclined to grant her relief subject to payment of Rs.15,000/- each to the victims, as stated above through Bank Draft issued by the local State Bank of India Branch through the Sub-ordinate court.

Let the petitioner be released on bail, in the event of



her arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kahalgaon (Ghogha) P.S. Case No.794 of 2021 to the satisfaction of learned Judicial Magistrate, Ist Class, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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