

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46689 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- MANJHAGARH District- Gopalganj

Shila Devi W/O Late Lallan Shah R/O Village- Sukhaniya, P.S. Manjhagadh,
Dist. Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-09-2023 Heard Mr. Devashish Giri, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends her arrest in connection
with Manjhagadh P.S. Case No. 310 of 2022, registered for the
offences punishable under Sections 341, 323, 324, 307, 448,
504, 506 and 379/34 of the Indian Penal Code and Section 3/4 of
the Prevention of Witch (Daain) Practices Act, 1999.

3. Allegedly, while the informant was cooking food in
her house, in the meantime, all the FIR named accused persons,
variously armed entered into her house and started abusing. On
protest being made, allegedly, all the accused persons brutally
assaulted and called her witch. It is specifically alleged that the
petitioner assaulted the informant by means of sword, causing



serious injury over her person. Further allegation has been levelled against other accused persons of assault and snatching of valuables.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is a hapless widow and both the parties are agnates, close and immediate neighbours. He further drew the attention of this Court to the injury report as contained in Annexure - 2 and with reference thereto, he submits that injury allegedly sustained to the person of the informant is simple in nature, caused by hard and blunt object, which falsifies the entire prosecution case that the petitioner is assaulted by means of sword. He next submitted that on account of trifle, the present case has been instituted with a view to wreck vengeance and, moreover, the petitioner is a widow, having fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the fact that the petitioner is a woman, having fair antecedent, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of



four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagadh P.S. Case No. 310 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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