

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48183 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- SHAHKUND District- Bhagalpur

1. Priyanka Devi Wife Of Rejesh Bhatt @ Rajesh Kumar Ray @ Rajesh Kumar Resident Of Village Hajipur, Police Station Sajour, District Bhagalpur
2. Rajesh Bhatt @ Rajesh Kumar Ray @ Rajesh Kumar Son Of Gopal Ray Resident Of Village - Hajipur, Police Station Sajour, District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Ajay Mukherjee, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioners submits that during the pendency of the present application, the petitioner no. 2 got arrested and as such, he is not pressing the application on behalf of petitioner no. 2.

3. In view thereof, the application on behalf of petitioner no. 2 stands disposed of as not pressed.

4. The petitioner no. 1 apprehends her arrest in connection with Shahkund (Sajour) P.S. Case No. 175 of 2023, registered for the offences punishable under Sections 341, 323,



325, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

5. It is alleged that the petitioner no. 1 took a loan of Rs. 50,000/- from the informant for purchasing Tractor and when the informant asked to return the same, all the accused persons, including the petitioner, threatened him to implicate in a false case. It is further alleged that the petitioner no. 1 caught hold the informant and assaulted by fists and slaps. Further allegation has been levelled against other accused persons of assault and misbehave.

6. Learned counsel appearing on behalf of the petitioner no.1 submits that in fact both the informant and petitioner no.1 is cousin sister and this case is nothing but a counter blast to Shahkund (Sajour) P.S. Case No. 173 of 2023. He next submits that even as per the narrations made in the FIR the only allegation levelled against the petitioner no.1 is that she caught hold the informant and assaulted him by fists and slaps and as such, no case is made out, muchless under Section 307 of the Indian Penal Code. Learned counsel submits that with regard to an occurrence which took place on 20.04.2023, the FIR has been instituted on 24.04.2023. He lastly submits that the petitioner no. 1 is a lady and she undertakes that she will fully



cooperate in the investigation/trial.

7. On the other hand, learned counsel for the State opposed the bail application.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner no. 1 is a lady and there is case and counter case, apart from the delay in lodging of the FIR, let the petitioner no. 1, abovenamed be released on bail, in the event of his 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 Additional Chief Judicial Magistrate 8th, Bhagalpur/Successor Court, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 175 of 2023, 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 no. 1.

(Harish Kumar, J)

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