

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55405 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- NAUTAN District- West Champaran

JAYLALITA DEVI Wife of Sri Dharmendra Sah Resident of village -
Bishunpura, P.S.- Nautan (Jagdishpur), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Nautan (Jagdishpur) P.S. Case No. 143 of 2021 under
sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal
Code.

As per the FIR, the informant alleged that while
going to his cattle shed, he reached near the house of Harihar
Sah where due to domestic dispute, the named accused persons
which included Dharmendra Sah, Ramashankar Sah,
Tarkeshwar Sah and Parshuram Sah abused him and further
Dharmendra Sah and Ramashankar Sah gave 'khanti' blow on



the head, he fell down while Tarkeshwar Sah and Parshuram Sah gave blow on chest and abdomen respectively. As the people started assembling, they fled away. Subsequently, the informant was taken to Government Medical College cum Hospital, Bettiah for better treatment. Accordingly, the FIR.

Learned counsel for the petitioner submits that she is wife of Dharmendra Sah and as such has been implicated in this case and further the police had submitted charge-sheet only under bailable section and she was granted bail by the police but later the concerned Court has taken cognizance under section 307 of the IPC necessitating the present petition.

The learned APP on the other submits opposes the prayer. However, he concedes that she is among the persons who assaulted the informant.

It is his further submission that once the petitioner is on police bail, she do not have any apprehension.

In reply, the learned counsel for the petitioner submits that if she surrenders, she may be taken into custody.

Taking into account the aforesaid fact when the petitioner is a lady against whom no charges have been levelled in the FIR, is already on police bail, this Court does not think this to be a fit case for filing anticipatory bail. Now the charge-



sheet has been submitted, she will be appearing before the concerned Court and if she files bail petition, the Court will take into account the fact that not only there is no charges against her save and except she is wife of Dharmendra Sah, she do not have criminal antecedent, was all along on police bail, have not misused the same and her bail petition shall dispose of on the same day.

(Rajiv Roy, J)

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