

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68032 of 2022

Arising Out of PS. Case No.-588 Year-2020 Thana- SAKRA District- Muzaffarpur

Mamta Devi, Wife of Harendra Rai, R/v- Sirajabad, P.S.- Sakra, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sakra P.S. Case No. 588 of 2020 registered for the offences punishable under Sections 341, 323, 307, 147, 148, 149, 504, 506 of the Indian Penal Code. Later on, Sections 302, 354, 447 and 406 of the Indian Penal Code have been added.

The prosecution case is based on the written report of the informant alleging therein that on 26.10.2020 while he was in his house, in the meantime, the father of the informant, namely, Dharmendra Kumar, arrived at the house, the petitioner



spitted over him and on protest all the accused persons, including the petitioner, started assaulting them. It is specifically alleged that co-accused Harendra Rai and Subodh Rai assaulted the father of the informant by means of iron rod on the head, due to which he became unconscious and thereafter other accused persons, including the petitioner, also assaulted.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that specific allegation of causing iron rod blow over the head of the father of the informant has been levelled against co-accused Harendra Rai and Subodh Rai and so far the petitioner is concerned, it is alleged that she assaulted the informant by means of lathi. However, there is no injury report of the informant. He further submits that the present F.I.R. has been instituted in the background of a partition dispute, resulting into a free fight between both the parties and moreover the petitioner, being a lady, is in custody since 25.09.2022 and there is no allegation that she any how assaulted the deceased.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner, being a



lady, having fair antecedent, is in custody since 25.09.2022 and there is no specific allegation against her, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Muzaffarpur (East) in connection with Sakra P.S. Case No. 588 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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