

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38264 of 2024

Arising Out of PS. Case No.-127 Year-2017 Thana- ISUAPUR District- Saran

Mikki Devi, aged about 43 years, Female, Wife of Ranjit Singh, Resident of Village - Manpursauli, P.S.- Ishuapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2024 Heard Mr. Arbind Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Ishauapur P.S. Case No. 127 of 2017, registered for the offence punishable under Sections 341, 323, 324, 325, 338, 307, 379, 34 of the Indian Penal Code and after death lastly added 302 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the accused persons named therein including the petitioner, had assaulted the informant with a common intention to kill him. Specific allegation of assault is against elder son of the informant, namely, Ranjit Singh, who had assaulted the informant on his head by means of *Farsa*.



4. Learned counsel appearing on behalf of the petitioner submits that petitioner had earlier moved before this Court for grant of anticipatory bail *vide* Criminal Miscellaneous No. 85317 of 2019, which was dismissed on 04.02.2020. He further submits that direct allegation of assault is against elder son of the informant, namely, Ranjit Singh, who had assaulted the informant on his head by means of *Farsa* and he has been acquitted by the learned Trial Court in Sessions Trial No. 248 of 2022 *vide* judgment/order dated 13.02.2024. He further submits that the allegation against the petitioner is general and omnibus and in spite of the fact that earlier the anticipatory bail application of the petitioner was rejected *vide* order dated 04.02.2020, there is sufficient material to show that the circumstances have changed. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that earlier bail application filed by the petitioner was dismissed *vide* order dated 04.02.2020 passed in Criminal Miscellaneous No. 85317 of 2019 and in the meantime, *vide* judgment/order dated



13.02.2024 passed in Sessions Trial No. 248 of 2022, the main accused, namely, Ranjit Singh, against whom, there is direct allegation of assault, has been acquitted by the learned Trial Court, while, at the same time, the petitioner was undergoing treatment at AIIMS, New Delhi and the petitioner, who has filed the second anticipatory bail application, is a lady and there is general and omnibus allegation, which I find that the exception laid down by the Apex Court to entertain second anticipatory bail application has been fulfilled in view of the law laid down by the Apex Court in the case of *Rani Dudeja vs. State of Haryana* reported in (2017) 13 SCC 555 and the earlier judgments passed by the Apex Court in the case of *Kalyan Chandra Sarkar Vs. Rajesh Ranjan alias Pappu Yadav and Anr.* reported in AIR 2005 SC 921, *Shahzad Hasan Khan Vs. Ishtiaq Hasan Khan* reported in AIR 1987 SC 1613, *Sudip Sen Vs. State of West Bengal* reported in (2010) Cr.L.J. 4628, *State of M.P. Vs. Kajad* reported in (2001) 7 SCC 673 and *Bar Council of Maharashtra Vs. M.V. Dabholkar* reported in AIR 1976 SC 242. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Saran at Chapra, in connection with Ishauapur P.S. Case No. 127 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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