

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40069 of 2024

Arising Out of PS. Case No.-13 Year-2010 Thana- MEHSI District- East Champaran

Sunita Devi Wife of Ram Bachan Kumar R/O Village Sain Tola Meria, P.S.-
Kanti, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Mehshi

P.S. Case No. 13 of 2010 registered for the offences under

Sections 326, 328, 307, 379, 120(B) of the Indian Penal

Code.

3. The petitioner is named in the First Information

Report and is in custody since 06.10.2023.

4. Allegation against the petitioner is to remove/cut

the private part of the informant/injured, who is none but

the husband of the petitioner.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that F.I.R. in the present case was



lodged on the basis of complaint petition, which was lodged after about 25 days of the occurrence. It is submitted that husband of the petitioner received injuries on his private part due to accident, as he fall on the alleged weapon which was kept in his house. It is submitted that the instruments, which is alleged to used to cause injury, is house-hold articles and, therefore, the presence of *Fasuli* and knife in house cannot be viewed with doubt. While traveling over the argument, it is submitted that the petitioner was fallen on the alleged instrument during course of scuffling when he forced the petitioner/wife for unnatural sex.

6. While concluding argument, it is submitted that petitioner remained in custody for about one year, who is lady having clean antecedent and, moreover, charge in this case has already been framed.

7. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that the injury, as alleged to be caused by this petitioner, is grievous in nature.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as petitioner



is lady having clean antecedent, who remains in custody for about one year i.e. since 06.10.2023 coupled with fact as alleged complaint which is the basis of present F.I.R. appears to be lodged after 25 days of the occurrence, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court, in connection with Mehsi P.S. Case No. 13 of 2010, subject to the condition as laid down under Section 437(3) Cr.P.C/ Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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