

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40374 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- BASANTPUR District- Siwan

Sita Devi W/o- Baidyanath Tiwari Village- Teliya, P.S. Basantpur (Lakri Nabiganj O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 150 of 2023, registered on 18.04.2023 for the offences under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner is the mother-in-law of the informant and during a family dispute, co-accused husband of the petitioner had been assaulting his grand nephew and when his cousin and son intervened, he also assaulted them which resulted in death of his own son. Allegation against the petitioner is that she also participated in the assault and hit her cousin brother-in-law and the informant



with lathi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the mother of the deceased and is aged about 70 years. The allegations against her are not believable. There is no allegation that the petitioner assaulted the deceased and the said allegation is against the husband of the petitioner. However, the allegation of assault by the petitioner against two persons is false and concocted and no injuries have been found and no injury report has been brought on record. The occurrence took place on 13.04.2023 whereas the fardbeyan was recorded on 16.04.2023 and the FIR was registered on 18.04.2023. The delay in lodging the FIR shows deliberation and after thought on the part of the informant.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that a person has lost his life by the assault of co-accused in which petitioner also participated.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact there is no allegation of assault on deceased by the petitioner, absence of injury report of other victims and further



considering the relationship of the petitioner and possibility of false implication, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Siwan/concerned court in connection with Basantpur (Lakri Nabiganj O.P.) P.S. Case No. 150 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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