

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.39876 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- LADANIA District- Madhubani

Baby Devi Wife of Devan Singh Resident of village - Sidhap Kala, P.S.-
Ladania/ Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard Mr. Ratnakar Jha, learned Counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner apprehends her arrest in connection
with G.R. No. 1496 of 2023 arising out of Ladaniya P.S. Case
No. 209 of 2023 for the offence registered under sections 143,
341, 323, 324, 307, 325, 354, 504, 506 and 34 of the Indian
Penal Code and section 27 of the Arms Act lodged on
01.08.2023 by the informant, Dhukhi Singh.

3. As per the prosecution story, the informant alleged
that due to land dispute, firstly, the accused persons came,
abused and later Devan Singh gave iron rod blow, causing injury
on his left hand. When his son came to rescue, the son of Devan
Singh, Ram Singh opened fire which hit the head of his son
which proved fatal. He also opened fire hitting the informant on
his right arm. The further allegation is that the informant's grand
daughter was hit by one, Rakesh Singh by *farsa*, causing injury
to her. This led to the F.I.R.



4. Learned Counsel for the petitioner submits that a perusal of the F.I.R. would show that the main allegation is against Devan Singh of giving rod blow to the informant, Ram Singh of having opened fire, causing death to the informant's son as also injury to the informant and Rakesh Singh of injuring the grand daughter of the informant. There is no allegation against this petitioner whose name later came in the case diary in course of investigation. There is counter case also for the same occurrence.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that for a minor land dispute, the accused persons assaulted and son of the informant lost his life.

6. Though there has been a loss of life, the allegation is of opening fire is on Ram Singh, Devan Singh and Rakesh Singh have assaulted the informant's side, this petitioner has no role to play in the matter, she do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IIIrd, Madhubani in connection with G.R. No. 1496 of 2023 arising out of Ladania/Ladaniya P.S. Case No. 209 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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