

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40408 of 2024

Arising Out of PS. Case No.-225 Year-2023 Thana- CHHATAPUR District- Supaul

Shobha Devi wife of Shivnath Sah R/O Village- Bhatabari W.No. - 3, PO -
Chhatapur PS - Chhatapur Dist. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-08-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 325, 354B, 308, 379, 504 and 506/34 of the Indian Penal
Code and subsequently Sections 302 and 313 of the Indian
Penal were added.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman.

4. The informant alleges that on 28.06.2023 at 08:00
a.m. accused namely, Jagarnath Sah, Shivnath Sah, Brahmdeo
Kumar, Sobha Devi and Manju Devi came variously armed and
threatened him to leave the agricultural land, on protest it is
alleged that Brahmdeo Kumar gave orders to kill on which
Brahmdeo Kumar, Shivnath Sah and Jagarnath Sah caught the



hands of the informant while Manju Devi and Sobha Devi tied clothes around his neck and tried to drag him. Further, when his wife, daughter and son came to save him, the accused assaulted them. It is further alleged that Shivnath Sah assaulted the informant by an iron rod causing injury on head and Jagarnath Sah looted an amount of Rs.12 lakhs which the informant had kept after selling his land and the accused persons also assaulted his daughter Kanchan Devi.

5. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the petitioner. It is further submitted that informant is own brother of Jagarnath Sah and Shivnath Sah and on account of dispute relating to land the alleged occurrence took place. It is next submitted that Chhatapur P.S. 227 of 2023 was instituted from the side of the petitioner against the informant and his side. It is also submitted that Kanchan Devi who was pregnant during the course of treatment died as such the child in the womb also succumbed, hence, Sections 302 and 313 of the Indian Penal Code were later added. It is further submitted that since petitioner is wife of Shivnath Sah as such she also came to be implicated when the dispute is between the petitioner and the



informant and at the cost of repetition it is submitted that no specific allegation of assault is alleged against the petitioner. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatapur P.S. Case No. 225 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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