

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41565 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- MADHEPURA District- Madhepura

SABO DEVI WIFE OF BIRENDRA RAM RESIDENT OF VILLAGE -
SUKHASAN CHAKLA, WARD NO- 11, P.S.- MADHEPURA, DISTT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Pawan Kumar, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, this petitioner, along with co-accused Birendra Ram, are alleged to have assaulted husband of informant by means of *lathi* and *danda* as a result of which husband of informant died.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is apparent that informant is not an eye witness of the alleged occurrence. As a matter of fact, husband of this petitioner and deceased are own brothers and due to land dispute, this false



and concocted case has been lodged. It is further submitted that husband of informant fell down, as a result of which he sustained injuries and during course of treatment, he died. The doctor who conducted the *post mortem* examination of the deceased on 16.07.2023 found only one injury on the person of the deceased and determined the cause of death as traumatic brain injury. Moreover, the informant has not disclosed the source of informant as to how she came to know about the alleged occurrence. Petitioner is a lady and claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and the fact that petitioner is a lady and has got clean antecedents, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura, in



connection with Madhepura P.S. Case No. 736 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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