

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53231 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MADHUBAN District- East Champaran

Pacheeya Devi @ Pachia Devi @ Pachiya Devi wife of Bharat Sahani
Village- Sirauli Ps- Madhuban Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava

For the Opposite Party/s : Mr. Parmanand Prasad,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Madhuban P.S. Case No. 66 of 2024 registered for the offences punishable under Sections 341, 323, 448, 307, 325, 337, 379 and 504/34 of the Indian Penal Code.

3. The allegation against petitioner is to assault the informant and others along with co-accused persons by means of lathi, iron rod, bricks etc. causing bodily injuries having intention to cause death, where occurrence is alleged to be arises out of neighborhood



dispute and difference.

4. It is submitted by learned counsel appearing on behalf of the petitioner that allegation against the petitioner is to assault injured with brick plate causing some bodily injury which appears simple in nature. It is submitted that the allegation as to assault by using iron rod and causing grievous injuries is available against Bharat Sahani. It is further submitted that a counter case of same occurrence was also lodged by petitioner side as Madhubani P.S. Case No. 93 of 2024, regarding same occurrence and in view of said fact occurrence is free fight in nature, to suggest that petitioner was not under intention to cause death of the informant and others, which is a prime legal ingredients as to attract a prima-facie case within meaning of Section 307 of IPC. While concluding arguments, it is submitted that above named petitioner is a lady of clean antecedent.



5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, and by taking note of occurrence as free fight, where grievous injuries not appears to be caused by this petitioner, who is a lady of clean antecedent, accordingly, in the event of arrest or surrender before the court below within a period of four weeks, petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, East Champaran at Motihari/concerned Court, where the case is pending in connection with Madhuban P.S. Case No. 66 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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