

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55631 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- GOVINDGANJ District- East
Champaran

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Madhuri Devi W/O Dhiraj Kumar Srivastava @ Dhiraj Shrivastava @ Dhiraj
Prasad R/O Village-Radhiya, PS- Govindganj, Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the State : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Govindganj P.S. Case No. 135 of 2024 for the offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code lodged on 26.03.2024 by the informant, Sandeep Verma.

3. As per the prosecution story, the informant alleged that while he went out his house to attend the nature’s call, Dhiraj Kumar Srivastav along with three-four people came and started abusing. Later three unknown persons caught hold of him whereafter, Dhiraj Kumar Srivastav gave knife blow in his stomach and when he tried to repeat and the informant tried to save, he got knife injuries on the several parts of the body. As



he tried to escape Dhiraj gave another knife blow on the hand, the allegation against this petitioner who is wife of the Dhiraj Kumar Srivastav is that she also later came with a '*lathi*' and assaulted and the informant was taken to the hospital. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that the allegation is against Dhiraj Kumar Srivastav of giving knife blow. Only to implicate the lady, subsequently, the addition has been made and she do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submissions as also the facts that the petitioner is a lady and main role is attributed to Dhiraj Kumar Srivastav, F.I.R. is there and she will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Motihari, East Champaran, in connection with Govindganj P.S.



Case No. 135 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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/her 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 his/her bail bonds.

(Rajiv Roy, J)

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