

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65370 of 2024

Arising Out of PS. Case No.-188 Year-2020 Thana- KALYANPUR District- Samastipur

Reeta Devi W/O Shiv Shankar Ray Resident of village- Gumala, P.S-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-12-2024 Heard Learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending arrest in connection with Kalyanpur P.S. Case No.188 of 2020, registered for the offences punishable under Sections 323/324/34/341/354/447/504 of the Indian Penal Code. Subsequently, offence under Section 302 of the Indian Penal Code was added.

3. As per the prosecution, allegation has been made against three accused persons including the present petitioner that they have assaulted the informant by iron rod and subsequently specific allegation has been made against accused who is not petitioner here that he has assaulted the wife of the informant due to which wife of the informant sustained injury



on her head.

4. Learned Counsel for the petitioner submits that from the content of the FIR it becomes crystal clear that the present FIR has been filed by the full brother of the husband of the petitioner. He submits that the dispute going on between the family members on petty issues and it is also clear from the FIR that it has been lodged in the month of August, 2020 but offence under Section 302 of the Indian Penal Code was added in this case in the month of July 2022. Counsel submits that the co-accused persons, against whom there is direct allegation of assault, have been granted bail by this Court vide order dated 01.10.2024 passed in Cr. Misc. No.68104 of 2024. He submits that antecedent of the petitioner is clean. She is aged about 59 years. He further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed by the Court. He further submits that considering the age and the fact that there is no allegation at all in the FIR against the present petitioner his anticipatory bail may be taken into consideration.

5. Learned Additional Public Prosecutor for the State opposes the prayer for bail and submits that it is true that bail has been granted to two co-accused persons but these two accused were granted regular bail and not anticipatory bail.



6. Considering the fact that the petitioner is lady and there is no overt act against the petitioner and cause of death has been shown as cardiac arrest, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur, in connection with Kalyanpur P.S. Case No. 188 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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