

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70879 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Chiraiya District- Saharsa

Rekha Devi, W/o Sri Lalo Sharma, R/o Village- Raithi, P.S.- Chiraiya, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP
For the Informant	:	Mr. Akshay Lal Pandit, Advocate Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Heard Mr. Ajay Kumar Thakur, learned Advocate for the petitioner and the learned APP for the State. The informant is represented through Mr. Akshay Lal Pandit, learned Advocate.

2. The petitioner is apprehending her arrest in connection with Chiraiya P.S. Case No. 11 of 2024 registered for the offences punishable under Sections 447, 323, 324, 379, 307, 504, 506/34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

3. On the fateful day, all the F.I.R. named accused persons armed with *Lathi, Danda, Bhala, Iron rod, Khanti* and fire-arm came to the door of the informant and started abusing him. On protest being made, co-accused Dhruv Kumar and Jyoti



Kumar assaulted the son of the informant by means of iron rod, due to which he sustained serious injuries. She further alleges that this petitioner and co-accused Anjali Kumari, Ranjan Devi, Manjula Devi and Sunita Devi also assaulted her husband. There is allegation of snatching of valuables against the other accused persons. On account of the assault caused to the son of the informant, he succumbed to the injuries, later on.

4. Learned Advocate for the petitioner drawing the attention of this Court to the F.I.R. primarily contended that so far the allegation of causing assault to the son of the informant is concerned, the same has specifically been alleged against co-accused Dhrub Kumar and Jyoti Kumar. Moreover, the allegation of causing assault by the petitioner and others belies from the injury reports of the informant and her husband. The informant's husband sustained only one injury over her body, whereas no injury has been found on the body of the informant by the doctor. The petitioner is a lady, having fair antecedent. It is lastly contended that there is a counter version of the present case, being Chiraiya P.S. Case No. 10 of 2024, which is on earlier point of time.

5. On the other hand, learned APP for the State and informant oppose the bail application and submit that in an incidence, a minor boy of the informant has been done to death



by all the F.I.R. named accused persons and the complicity of the petitioner cannot be denied that she has not actively participated in assaulting the informant, her husband and the deceased son.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, which has not been corroborated by the post-mortem report, coupled with fact that the petitioner is a lady, having fair antecedent, let the petitioner, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saharsa in connection with Chiraiya P.S. Case No. 11 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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