

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71105 of 2024

Arising Out of PS. Case No.-659 Year-2024 Thana- PHULWARISHARIF District- Patna

Archana Sinha Wife Of Arjun Prasad R/O C 47 Birla Colony, Phulwarisharif,
Near Durga Mandir, Phulwari, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Late Durga Prasad R/o C47, Birla Colony Phulwarisharif,
Near Durga Mandir, Phulwari, Distt. - Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar Lal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-11-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Phulwarisharif PS case no. 659 of 2024, disclosing
offences punishable under Section 379 and other allied sections
of the Indian Penal Code.
3. The prosecution story, as per the First Information
Report, is that on 07.05.2024 in the morning, the petitioner
along with other accused persons, who are her husband and son,
were plucking mango from the mango tree and when the
informant objected, the petitioner and other accused persons
attacked her and while running away, petitioner assaulted the



informant, snatched her mobile phone and chain from her neck, due to which, right leg of the informant got broken.

4. Learned Counsel for the petitioner submits that petitioner is daughter-in-law of opposite party no. 2 and F.I.R. has been lodged by opposite party no. 2 against her son and grand son also due to property dispute. The present F.I.R. has been lodged by her mother-in-law. Learned counsel further submits that the sections charged against the petitioner are bailable except Section 379 I.P.C. whereas, upon reading of F.I.R., Section 379 I.P.C. is *prima facie* not made out. The present F.I.R. has been lodged as a counter blast to the Phulwarisharif PS case no. 660 of 2024, lodged by the petitioner against opposite party no. 2 and others under Sections 341, 323, 504, 506/34 of the Indian Penal Code.

5. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that there is specific allegation of assault against the petitioner due to which, informant has got fracture on her leg, which is grievous in nature.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both parties are closely related and



case and counter case is going on between them, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of her arrest or surrender before the Court below within six weeks, be released 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 A.C.J.M.-14, Patna in connection with Phulwarisahrif PS case no. 659 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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