

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72178 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- PARSABAZAR District- Patna

Baby Devi Wife Of Late Dilip Mishra Resident Of Village Yadav Chak, P.S. Parsa Bazar, District- Patna At Present Residing At Mohalla Virchand Patel Path, P.S. Kotwali, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

Mr. Ajay Kumar Thakur, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Learned counsel for the petitioner seeks permission to add Section 302 in the paragraph no. 1 and 5 of the bail application. Later on charge-sheet has been submitted on 04.10.2023.

2. Permission is granted.

3. Heard learned counsel for the petitioner and learned A.P.P. for the State.

4. The petitioner apprehends arrest in connection with Parsa Bazar P.S. Case No. 61 of 2023 dated 02.02.2023, instituted for the offence punishable under Sections 147, 149, 341, 323, 307, 452, 379, 504 of the Indian Penal Code in which Section 302 of the IPC was added.

5. The prosecution case, in short, is that, the informant



was disturbed at night by the noise of loud music being played by a co-villager. When her brother went to ask to stop the loud music, he was assaulted along with his son, who later went to save him. The informant informed the local police, on which the accused persons fled away. On the next day all the accused persons along with the petitioner, armed with *lathi*, *danda* assaulted her and also snatched gold articles from one of her family members.

6. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is submitted that there is specific allegation against Sanni Kumar and Dipak Kumar. It is submitted that only on the basis that petitioner is the aunt of Sanni Kumar, the petitioner has been implicated in this case. There is no specific allegation against the petitioner rather it is general and omnibus in nature. It is also submitted that during investigation nothing has come against the petitioner to show that petitioner has assaulted by any means. Lastly, it has been submitted that she has no criminal antecedent.

7. Learned A.P.P. has opposed the prayer for bail of the petitioner.

8. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Parsa Bazar P.S. Case No. 61 of 2023, she shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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