

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78377 of 2024

Arising Out of PS. Case No.-257 Year-2024 Thana- SIRDALA District- Nawada

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1. Sarita Devi wife of Ram Pravesh Tiwari R/o village- Badgaon, P.S.- Sirdalla, Dist.- Nawada
 2. Sunny Tiwari son of Ram Pravesh Tiwari R/o village- Badgaon, P.S.- Sirdalla, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-12-2024 1. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with respect to the petitioner no. 2 / Sunny Tiwari.
2. Permission is granted.
3. The application is dismissed as withdrawn with respect to the petitioner no. 2 / Sunny Tiwari.
4. Heard the parties.
5. The petitioner no. 1- Sarita Devi apprehends her arrest in connection with Sirdala P.S. Case No. 257 of 2024 dated 06.07.2024 registered under Section 126(2), 115, 118(1), 117, 74, 303(2), 352, 351(2), 3(5) of the B.N.S., 2023.
6. As per the prosecution story the petitioner no. 1 / Sarita



Devi arrived at the scene of occurrence with sword in her hand and the petitioner no. 2 / Sunny Tiwari assaulted the son of the informant in his leg by iron rod and tried to kill him by means of sword given by the petitioner no. 1. The incident occurred because the informant got 5 feet more land than the accused persons in the partition.

7. Learned counsel for the petitioners submits that from perusal of the F.I.R. it is evident that both the parties are own “gotiya” and there is admitted land dispute between them. He next submits that the instant case has been lodged as a counter blast to Sirdala P.S. Case No. 256 of 2024 lodged by the petitioner no. 1 against the informant and others. He also submits that though in the F.I.R. there is allegation of assault by means of sword, but no sharp cut injury has been sustained by the victim which itself falsifies the prosecution version.

8. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that there is admitted land dispute between the parties, case and counter case is there, no sharp cut injury has been found on the person of the victim and the petitioner no. 1 is a lady, as such, I am inclined to grant anticipatory bail to the petitioner no. 1- Sarita Devi.



9. Let the petitioner no. 1, above named, 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. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Deobrat Kumar, J.M.-Ist, Nawada in connection with Sirdala P.S. Case No. 257 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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