

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82329 of 2023

Arising Out of PS. Case No.-76 Year-2021 Thana- MEHANDIGANJ District- Patna

Mamta Devi, Wife Of Mithu Mahto Resident Of Biruachak, Police Station -
Mehandiganj, District - Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gajanan Mishra
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad- A.P.P.
	Mr. Gagan Deo Yadav
	Mr. Ravi Prakash
	Mr. Udeshya Kumar Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-04-2024 1. Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned APP for the State.
2. The petitioner seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 323, 341, 447, 315, 307, 504, 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman. It is further submitted that petitioner is own sister in-law (Bhabhi) of the injured. It is next submitted that the wife of the injured has instituted the instant case alleging that while she had



gone upstairs for drying clothes, when she was assaulted by the petitioner and her children and when her husband came to save her, the petitioner assaulted him by an iron rod causing injury on head.

4. The learned counsel for the petitioner submits that even presuming what has been alleged is true without admitting, then the blow was not repeated. It is further submitted that even the F.I.R. came to be instituted after four days of the occurrence which cast an aspersion on the case of the prosecution as the date of occurrence 21.07.2021 and the F.I.R. was instituted on 25.07.2021. It is further submitted that even the petitioner had instituted Mehandiganj P. S. Case No.75 of 2021 dated 23.07.2021 alleging that she was assaulted by the husband of the informant. It is next submitted that since there is a dispute in the family with regard to property, as such, present false case has been instituted. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application of the petitioner, but then, is not in a position to rebut the submission of the learned counsel for the petitioner that the F.I.R. of the petitioner is prior in time to the F.I.R. instituted by the informant and the F.I.R. has



been instituted after a delay of four days.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ms. Sunita Kumari, the learned J. M., 1st Class, Patna City, Patna in connection with Mehandiganj P. S. Case No.76 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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