

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79228 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- MEHANDIGANJ District- Patna

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Mamta Devi W/O Mithu Mahto R/O Biruachak, P.S- Mehdiganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 28-03-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

 2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 341, 323, 447, 307 and 379 of the Indian Penal Code.

 3. The learned counsel for the petitioner submits that petitioner has antecedent of one case but then the same was instituted by the wife of the present informant. It is further submitted that the petitioner is own *Bhabhi* of the informant and on account of dispute relating to drying of cloth, the present occurrence is alleged to have taken place wherein it is alleged by the informant that he saw the petitioner quarreling with his father and she was assaulting his pregnant wife on her abdomen and when he tried to save her, the petitioner assaulted him by iron rod causing injury on account of which he became



unconscious, and thereafter he was taken to PMCH. The learned counsel submits that the date of occurrence is 21-7-2021 and the *fardbayan* was recorded on 23-7-2021 at PMCH. It is next submitted that for the same occurrence, the wife of the present informant also instituted Mehandiganj PS Case No. 76/2021 dated 25-7-2021. It is further submitted that the FIR of the wife of the informant was instituted earlier to the FIR of the informant which was instituted on 7-8-2021.

4. The learned APP, Mr. Chandra Bhushan Prasad, vehemently opposes the submission made by the learned counsel for the petitioner and submits that the *fardbayan* of the informant was recorded at PMCH on 23-7-2021 itself and if it took time for the police to get the FIR registered subsequently that would not by any stretch of imagination be meant that the FIR of the wife of the informant was earlier though it might have been instituted prior to institution of the instant FIR. It is also submitted that no doubt, for the same occurrence two FIRs have been instituted but then the present one is deemed to be the first FIR. It is also submitted that there is specific allegation of assaulting the informant by an iron rod causing injury on head and thereafter he was admitted at PMCH where his *fardbayan* was recorded which amply demonstrates that the injury suffered



by the injured was not simple in nature.

5. At this stage, learned counsel for the petitioner submits that despite orders dated 13-12-2023 and 22-2-2024, the injury report of the injured till date has not been received.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mehandiganj P.S. Case No. 86 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of the injured and in the event if it is found that the informant received grievous injury on head in that event the present anticipatory bail of the petitioner shall not be given effect to.

(Satyavrat Verma, J)

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