

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79333 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- RAFIGANJ District- Aurangabad

DULARIYA DEVI W/O BIRJU YADAV R/O VILLAGE- CHANDAUL, P.S-
RAFIGANJ, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-03-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Rafiganj P.S. Case No. 317 of 2023 for the offence under Sections 341, 323, 324, 307 and 302/34 of the I.P.C. lodged on 23.07.2023 by the informant, Podina Devi.

3. As per the prosecution story, the informant has alleged that they are agnates and a panchayati took place which was not accepted by the accused and on this issue, the assault took place after the husband of the petitioner took away the informant's husband.

4. Learned counsel for the petitioner submits that both the petitioner and the informant are sisters-in-law (*gotni*), the issue relates to land dispute and main allegation is against her husband as also the accused persons, omnibus allegation is



against her and she do not has criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the fact that she is a lady, omnibus allegation is there, FIR lodged, will be facing the trial and she do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-II, Aurangabad in connection with Rafiganj P.S. Case No. 317 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of her bail bonds.

8. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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