

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81742 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- MAHUA District- Vaishali

Rajina Devi @ Rajia Devi W/o Lalan Singh, R/o vill - Paharpur, P.S. - Mahua, Distt. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Sunil Kumar Singh, learned counsel appearing on behalf of the petitioner and Md. Anzarul Haque Sahara, the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends her arrest in connection with Mahua PS Case No. 398 of 2022 dated 15.06.2022, registered for the offences punishable under Sections 341, 323, 324, 325, 420, 354, 376, 511, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the IPC was added.

3. Allegedly, in the night of 11.06.2022, all the FIR named accused persons entered into the house of the informant and forcibly took the thumb impression of the informant and her mother-in-law on some blank papers. It is further alleged that co-accused Uttam Kumar and Binu Mishra also misbehaved with the daughter-in-law of the informant and tried to outrage her modesty. Further allegation has been levelled that accused

persons also assaulted Dahli Devi, the mother-in-law of the informant, as a result of which she sustained injuries and later on succumbed to it.

4. Learned counsel appearing on behalf of the petitioner submits that from the narratives of the FIR, it is evident that omnibus nature of allegation has been levelled against all the FIR named accused persons. In fact, there is an admitted land dispute between the parties which resulted into a free-fight and in the scuffle, the persons of both the sides have sustained injuries. The mother-in-law of the informant, who was an old lady, also sustained some injury in course of the scuffle and later on, during course of treatment, she died. He next submitted that the petitioner is a lady aged about 50 years having fair antecedent and she undertakes that she will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel appearing on behalf of the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioner is a lady having fair antecedent and moreover, the reason of death of the mother-in-law of the informant has not been disclosed as to how she died

nor any allegation has been attributed against the petitioner that she caused any injury to her, let the petitioner above named be released on bail, in the event of her arrest or surrender before the Court below within a period of four weeks from the date of receipt / production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with **Mahua PS Case No. 398 of 2022**, subject to the conditions laid down in Section 438(2) of Cr.P.C. with the further condition that one of the bailors shall be the own / close family members of the petitioner.

(Harish Kumar, J)

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