

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86385 of 2024

Arising Out of PS. Case No.-436 Year-2023 Thana- KOTWA District- East Champaran

Hewanti Devi @ Hewanti Kuwar Wife of Late Sanjay Prasad Yadav @
Sanjay Yadav Resident of Village - Barharwa Kala, P.S. - Kotwa, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 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, 324, 308, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons including the petitioner are said to have assaulted the informant's side brutally by means of deadly weapons due to which they have sustained injuries.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. She has falsely been implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. Both the parties are co-sharers and there is admitted land dispute between them. Both sides have filed cases against each other. Nothing specific has been attributed against the petitioner. There is inordinate and abnormal delay of five days in lodging the FIR without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. The nature of the injury caused by the petitioner to the injured is not mentioned in the impugned order. Learned counsel further submits that there is compromise between the parties and petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since petitioner is a lady and there is general and omnibus allegation against her, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is



pending/successor Court in connection with Kotwa P.S. Case No.436 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the B.N.S.S., 2023.

(Anjani Kumar Sharan, J)

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