

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85775 of 2023

Arising Out of PS. Case No.-536 Year-2023 Thana- MUFFASIL District- West Champaran

Rita Devi W/o Baidyanath Raut @ Baiju Patel R/o Village- Dusaiya Tola
Banucchapar PS Bettiah Muffasil Manuapul OP District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP
For the informant : Mr. Dhanjay Kumar-2, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending arrest in connection with Bettiah (Muffasil) P.S. Case No. 536 of 2023, registered on 07.08.2023 for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, in the background of land dispute, the petitioner and other co-accused persons entered into some altercation with the father of the informant and on the orders of co-accused Baiju Patel, co-accused Prince Kumar gave spade blow on the head of the father of the informant causing its



fracture. Allegation against the petitioner is that she gave the spade to her co-accused son. Other accused persons assaulted the informant and his brother with lathi and danda. Subsequently, father of the informant succumbed to his injuries while undergoing treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is none else but the wife of own brother of the deceased and there is no allegation against her for assaulting any person. The allegation of giving spade to the co-accused appears to be an afterthought and super addition to implicate the petitioner. Land dispute between the parties is admitted. Learned counsel further submits that it was the husband of the petitioner who took his injured brother to the hospital but it was the informant who did not allow treatment on time, which resulted in death of his father. The petitioner is a lady. The petitioner is having clean antecedent.

5. Learned APP and learned counsel appearing on behalf of the informant oppose the submissions made on behalf of the petitioner. Learned counsel appearing on behalf of the informant submits that the petitioner was instrumental in killing the father of the informant. Learned counsel also countered the



submission made on behalf of the petitioner that the husband of the petitioner took the father of the informant to the hospital and any obstacle was created by the informant in treatment of his father. Learned counsel further submits that at this stage process under Sections 82 and 83 of the Cr. P.C. has been initiated against the petitioner, which is denied by learned counsel for the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and possibility of false implication, let the petitioner above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned court in connection with Bettiah (Muffasil) P.S. Case No. 536 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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