

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7466 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- DUMRA District- Sitamarhi

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1. Suraj Kumar S/O Lalu Mukhiya VILLAGE- KOKNA, PS. DUMRA, DIST. SITAMARHI.
 2. RITA DEVI W/O LALU MUKHIYA VILLAGE- KOKNA, PS. DUMRA, DIST. SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-02-2024 At the outset, learned Counsel for the petitioners submit that so far as the petitioner no. 1, Suraj Kumar is concerned, he will be surrendering within four weeks from today. In that case the same shall be considered by the concerned Court and pass an appropriate order preferably on the same day.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The anticipatory bail application is restricted to petitioner no. 2, Rita Devi, who apprehends her arrest in connection with Dumra P.S. Case No. 370 of 2023 registered under Sections 341, 323, 324, 307, 354, 504 and 34 of the Indian Penal Code lodged on 28.07.2023 by the informant, Guriya



Kumari.

4. As per the prosecution story, the allegation is that on the fateful day, when the informant along with family members were sitting in their house, the accused persons armed variously came and tried to outrage the modesty and later assaulted informant's father on his head by wooden log. So far as the allegation against the petitioner no. 2 is concerned, she came out with a '*knife*' handed over to Suraj Kumar, who assaulted informant's father, causing injury. Accordingly, the FIR.

5. Learned Counsel for the petitioner submits that she is a lady, a housewife, due to enmity she has been dragged in the present case.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that she handed over the '*knife*' to Suraj Kumar.

7. Though there is allegation against her, main allegation is against Suraj, she is a lady and will be co-operating in the investigation, this Court is inclined to extend her privilege of anticipatory bail.

8. Let the petitioner no. 2, Rita Devi, in the event of arrest or surrender within a period of four weeks from the date of



receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 370 of 2023 subject to condition 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 no. 2, Rita Devi who shall provide official document to show her *bona fide*;

(ii) the petitioner no. 2, Rita Devi 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 no. 2, Rita Devi 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 his bail bonds;

(iv) the petitioner no. 2, Rita Devi shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Accordingly, the anticipatory bail application of petitioner no. 1, Suraj Kumar is rejected while the anticipatory



bail application of petitioner no. 2, Rita Devi is allowed.

(Rajiv Roy, J)

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