

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5786 of 2025

Arising Out of PS. Case No.-346 Year-2024 Thana- DURAULI District- Siwan

RAJIYA DEVI W/o- Ramsha Rajbhar Village- Chakari PS- Darauli Dist-
Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Darauli P.S. Case No. 346/2024 registered for the offences punishable under Sections 191(3), 190, 103(2), 61(2)(a) of the B.N.S.S.

3. As per prosecution case, on 28.04.2024 at around 7:00 P.M., the petitioner came to his house and told his father to come alongwith him as some work is going on, after one hour when father of the informant did not return, he came to search of his father. It is alleged that the petitioner and others are said to have assaulted the informant's father concertedly with intention to kill. It is alleged that co-accused Binod Rajbhar is said to have assaulted by means of *Gadasi*. It is further alleged that co-accused Sani Deol Rajbhar is said to have



assaulted by means of *lathi* indiscriminately as a result of which the informant's father sustained injury on face and neck and bleeding started. It is further alleged that Abhishek Rajbhar is said to have assaulted by means of *lathi* and the present petitioner is said to have assaulted by means of *brick*.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner bears no criminal antecedent. The petitioner was not present at the place of occurrence. From the perusal of FIR, it is crystal clear that there is no eye witness of the alleged occurrence rather, the informant claims to have seen the alleged incident from 100 meters away from his house at night. He further submits that allegation against the petitioner is general and omnibus in nature. Though, there is allegation of assault against the petitioner by throwing brick, but the deceased died on account of injury caused by sharp cutting weapon as is evident from the postmortem report. Apart from that the petitioner is a lady. He further submits that co-accused, who are said to have assaulted the informant's father by means of sharp cutting, are in custody. The entire allegations alleged against the petitioner is false and fabricated. Prudently and pragmatically, a lady cannot participate where number of male persons are



involved in the alleged occurrence. In the light of aforesaid facts and circumstances of the case, no offence is made against the petitioner under the aforesaid sections.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner by submitted that there is allegation of assault against the petitioner by throwing brick upon the informant's father. Hence, the petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, petitioner being a lady, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Darauli P.S. Case No. 346/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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