

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12800 of 2025**

Arising Out of PS. Case No.-369 Year-2024 Thana- JAGDISHPUR District- Bhojpur

Binda Kumari @ Bindar Kumari @ Binda Devi W/O Vaidyanath Prasad R/O
Mahayari, P.S - Ara Mufassil, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s :	Mr. Shyameshwar Dayal, A.P.P.
	Mr. Ratneshwar Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 28-03-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 329(3),
126(2), 115(2), 109, 303(2), 352, 351(2), 351(3) and 3(5) of the
BNS.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
from perusal of the allegation as alleged in the FIR, it would
manifest that the informant alleges that she was assaulted by the
accused persons including the petitioner causing injury on head.
Further, she was admitted in hospital for treatment and the
accused persons also snatched her chain worth Rs.75,000/-



along with money as detailed in the FIR.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that the accused persons intercepted her and asked her as to why she talked rudely with the petitioner and thereafter assaulted her. It is next submitted that the date of occurrence is 10.10.2024 and the informant during the course of treatment died on 16.12.2024 i.e. more than two months of the occurrence. It is, thus, submitted that assault was not the proximate cause of death. It is also submitted at the cost of repetition that even the allegation of assault against the petitioner is not specific and she has been implicated being the wife of Baidyanath Prasad who was also present at the place of occurrence as alleged in the FIR. It is submitted that petitioner is a senior citizen aged about 60 years and has remained a person with clean antecedent all throughout.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned counsel appearing on



behalf of the petitioner that the allegation of assault is not specific and the informant died more than two months after the occurrence, as such, assault was not the proximate cause of death.

6. Considering the submissions made by the learned counsel for the petitioner and also taking into account the fact that petitioner is a woman, let the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Jagdishpur P.S. Case No. 369 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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