

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14953 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- SATHI District- West Champaran

Shahjahan Khatoon @ Shahjaha Khatun W/o- Saif Sai @ Mohammad Saif
Resident of Village- Barawa Kala PS- Sathi, Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending her arrest in connection with Sathi P.S. Case No. 217 of 2024, registered for the offences punishable under Sections 126(2)/115(2)/118(1)/109/76/3(5) of BNS.

3. As per FIR, petitioner alongwith other co-accused persons/family members assaulted informant and her family members with *iron rod, sword* etc., causing head and bodily injuries, where assault was alleged to be caused with intention to cause death of the injured. The occurrence alleged to be taken place in the background of neighbourhood disputes and



differences.

4. Learned counsel appearing on behalf of the petitioner submitted that occurrence was free fight in nature, where both parties received injuries and for same set of occurrence, petitioner's side also lodged a case against informant's side which was lodged as Sathi P.S. Case No. 218 of 2024 dated 11.11.2024. It is submitted that as occurrence was free fight therefore, it is safe to say that petitioner was not under intention to cause death and, moreover, upon medical examination, the nature of injury found upon the son of the informant i.e. Md. Samir Alam as simple in nature, negating *prima facie* intention to cause death. It is submitted that petitioner is a lady of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as occurrence was *prima facie* free fight in nature, where upon medical examination, injury as alleged to be caused by this petitioner found simple in nature, negating *prima facie* intention to cause death, where petitioner is a lady of clean antecedent, accordingly, above named petitioner, in the event of her arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran, Bettiah/concerned Court, where the case is pending in connection with Sathi P.S. Case No. 217 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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