

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16802 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- MAHKAR District- Gaya

Mahapati Devi @ Mahaparti Devi W/O Sanjay Paswan R/O Village- Bijopur,
P.S- Mahakar, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-07-2025 Heard Mr. Aryan Singh, learned counsel for the
petitioner and Mr. Anish Chandra, learned APP for the State.

2. The petitioner is apprehending her arrest in connection with Mahkar P.S. Case No. 03 of 2024, F.I.R. dated 01.01.2024 registered for the offences punishable under Sections 341, 323, 307, 504, 379 and 34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has assaulted to the wife of the informant by means of rod due to which she sustained injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has been falsely implicated in the present case. It appears from the F.I.R. that the date of occurrence as alleged in the F.I.R.27.12.2023 but the present F.I.R. was instituted on 01.01.2024 after delay of four days without



giving any explanation of delay and apart from that it appears from the F.I.R. that due to admitted land dispute, the present occurrence had taken place and there is case and counter case between the parties. Although, there is specific allegation against the petitioner that she has assaulted to the wife of the informant by means of rod namely, Gayatri Devi and Gayatri Devi received injury but the injury report of Gayatri Devi suggests that the injury is simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and the injury inflicted upon the injured person is simple in nature and there is case and counter case between the parties, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Additional Chief Judicial Magistrate-I, Gaya in connection with Mahkar P.S. Case No. 03 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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