

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32740 of 2025

Arising Out of PS. Case No.-608 Year-2024 Thana- MADHAURAH District- Saran

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Anita Devi @ Anita Kumari W/o Dhananjay Upadhyay R/o Village-
Semarhiyan, P.S.- Madhaura, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner, learned
Advocate for the informant and the learned APP for the State.

2. The petitioner apprehends her arrest in connection with Madhaura P.S. Case No. 608 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 117(3), 118(2), 109(2), 352, 351(2) and 3(5) of the BNS, 2023.

3. Allegedly, on the fateful day on 03.11.2024 at about 11:30 AM, while the brother of the informant and his father were present at their land, in the meanwhile, co-accused Dhananjay Upadhyay armed with sword, Bhopal Upadhyay with spade and Mohit Upadhyay having *dabia* in his hand came there and started assaulting both of them with the intention to kill. It is further alleged that when the informant's brother and father fell down on the earth, in the meanwhile, the petitioner also came with the iron rod and started brutally assaulting both



of them, due to which the informant's brother and his father sustained serious injuries.

4. Learned Advocate for the petitioner contended that the occurrence took place on account of a previous land dispute, due to which both of them entered into a free fight, resulting injuries to persons of both the sides. There is a counter version of the present case being Madhaura P.S. Case No. 608 of 2024, instituted against the informant's father and others lodged by the husband of the petitioner. It is further contended that the petitioner is a school teacher and on the alleged date of occurrence, she was discharging the duty of BLO. To support the aforesaid contention, a photo-copy of the Memo No. 2781 dated 17.10.2024 has been brought on record, wherein the name of the petitioner figured at Sl. No. 36. Further submission has been made that the injury report with respect to the informant's brother and father, though corroborates the allegation of assault by means of cutting weapons, caused by the three male persons, but there is no injury caused by hard and blunt substance and, as such, the allegation levelled against the petitioner falls to the ground. The petitioner is a lady, having fair antecedent, and undertakes that she will fully co-operate in the investigation and in the proceeding of the Court.



5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submitted that there is specific allegation against the petitioner of causing assault to the informant's brother and father by means of iron rod and there is injury to this affect. Moreover, both the injured have sustained multiple injuries and all of them have found to be grievous in nature. It is further contended that even the Memo No. 2781 dated 17.10.2024 does not talk about the time at which the petitioner has been discharging her duty, save and except the date.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the factum of case and counter case, coupled with the fact that the petitioner is a lady and her contention that she had discharging her duty as a BLO on the alleged date of occurrence, has also been supported during the course of investigation while recording the statement of independent witnesses in paragraph nos. 42, 43, 52 and 53 of the supplementary case diary, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in connection with Madhaura P.S. Case No. 608 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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