

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46138 of 2024

Arising Out of PS. Case No.-719 Year-2023 Thana- TURKAULIYA District- East
Champanan

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Kaushalya Devi Wife Of Shree Paltan Sah Village- Tikaita, Ps- Tukauliya,
Dist- East Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 05-02-2025 Heard Learned Senior Counsel for the petitioner,

Learned Counsel for the Informant and Learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending arrest in connection with Turkauliya P.S. Case No.719 of 2023, lodged on 22.06.2023, for the offences punishable under Sections 147/149/447/341/323/308/427/384/504/506/379 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. The allegation against the petitioner is that all accused persons including the present petitioner have



constructed hut on the land of the informant forcefully instead of this fact that decree of Panchayat is in his favour and earlier a criminal case is also pending between them. Specific allegation against the petitioner is that she with a view to kill the informant attacked by sharp cutting weapon but no injury was caused to the informant at the hand of the petitioner.

4. Learned Senior Counsel for the petitioner submits that petitioner and informant are agnates. Title Suit was pending against them. After the title suit (which is annexed as Annexure-1) title appeal has also been filed. The said title appeal was dismissed for default. Counsel further submits that earlier also dispute has taken place between the parties for that the petitioner has filed FIR, which is Annexure-4, against the present informant and others. Learned Senior Counsel submits that petitioner is lady, aged about 65 years, and she has been made accused in this case only due to the reason that she is the wife of accused No.1. He submits that there is no allegation of overt-act against the petitioner. From the petitioner's action no injury had caused to anyone, only attempt has been alleged in the FIR. Learned Senior Counsel further submits that in the FIR it has been alleged that Panchayaty took place but petitioner's side has not respected the Panchayati. In this regard he has filed



supplementary affidavit in which he mentioned that this Panchayat has no value in the eye of law. He submits that petitioner is lady and her antecedent is clean except one case which has been instituted at the instance of the present informant, in which she is on bail. Counsel submits that genealogy is annexed by which it transpires that how parties are related to each other.

5. Learned Counsel for the Informant vehemently opposes the prayer for bail and submits that there is specific allegation against the petitioner. He also submits that the petitioner side is the violator of law and there is long pending dispute between both the families.

6. Learned Counsel for the State opposes the prayer for bail but submits that title suit, title appeal and other cases relating to Sections 144, 145 were also pending between the parties and their agnates.

7. In the present facts and circumstances that there is a long pending dispute between the parties and petitioner is a female, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) with two



sureties of the like amount each to the satisfaction of Sessions Judge, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 719 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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