

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46103 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- GOPALPUR District- Gopalganj

Dharmatari Devi @ Dharmavati Devi W/O Late Upendra Kushwaha Resident
of Village- Garya Khal, P.S- Gopalpur, Distt.- Gopalganj, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Adesh Raj Singh, Advocate
For the Opposite Party State:		Mr. Mritunjay Kumar Nirala, APP
For the Informant	:	Mr. Shubhesh Pandey, Advocate
		Mr. Amit Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-11-2025 Heard Mr. Adesh Raj Singh, learned Advocate for the petitioner, Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State and Mr. Shubhesh Pandey, learned Advocate for the informant.

2. The petitioner apprehends her arrest in connection with Gopalpur P.S. Case No. 21 of 2025, registered for the offences punishable under Sections 126(1), 115(2), 109(1), 351, 352 and 3(5) of the Bhartiya Nyaya Sanhita 2023.

3. On the fateful day, while both the sons of the informant were indulged in fighting with each other over a land dispute and when the informant went to appease them, in the meanwhile, co-accused Upendra Kushwaha assaulted him over his head by means of *lathi* due to which he sustained fracture injury. It is further alleged that the petitioner along with her



husband also assaulted the son of the informant Virendra Kushwaha, who came to the rescue of the informant. One Aditya Kumar, who is said to be the grandson of the informant, assaulted Pankaj Kumar, who lateron died in course of treatment.

4. Learned Advocate for the petitioner submitted that besides the fact that the petitioner is a woman and on account of family partition both the family members entered into a scuffle resulting into some unfortunate injuries leading to death of two persons one Pankaj Kumar and the husband of the petitioner. It is further contended that there is a counter version of the present occurrence being Gopalpur P.S. Case No. 22 of 2025. All the more, even if the allegation is taken to be true to the extent alleged against the petitioner, besides the same is omnibus, till date no injury report has been submitted by the Doctor and *prima facie* it appears to be simple in nature.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and submitted that there is specific allegation against the petitioner of causing assault to Virendra Kushwaha and still the injury report is awaiting.

6. Having considered the submissions advanced by



the learned Advocates for the respective parties and taking note of the fact that the petitioner is a woman and there is omnibus allegation that she along with her husband assaulted Virendra Kushwaha, let the petitioner abovenamed be released on bail, in the event of his 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 Judicial Magistrate 1st Class, Gopalganj, in connection with Gopalpur P.S. Case No. 21 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik 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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