

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53319 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- HALAI District- Samastipur

Kanchaniya Devi W/O Late Sonelal Sahni Village- Indrawara Jitwarpur, P.S.-
Halai, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Halai
P.S. Case No. 44 of 2025 registered for the offences punishable
under Sections 190, 191(1)(2)(3), 121(1)(2), 221, 132, 109,
115(2), 118(2), 352 of the B.N.S.

3. As per prosecution case, due to Baba Kewal State
Fair, it was decided in the meeting held between the higher
officials, police officers and the Chairman of fair committee that
no shop will remain on the road side. When request was made to
remove the shop, shopkeeper did not remove the shop and it is
alleged that some shopkeepers voluntarily took their shops
down to the field. It is alleged that after removing the shop
when the police force and officers proceeded, suddenly a



woman picked up brick from behind and threw which hit the head of constable no. 165 Ajay Kumar Yadav due to which he fell down. It is further alleged that 20-25 persons having armed with bamboo sticks, and bricks started pelting stones. It is further alleged that the woman who was throwing stone was caught along with a boy who was standing there having brick in his hand and they disclosed their name as Kanchaniya Devi (petitioner) and Roshan Kumar. It is further alleged that the persons who attacked the police were identified by the members of the fair committee as Shrikant Kumar, Ramphal Sahni, Bauya Sahni, Sanjeet Sahni, Sonu Sahni and Manish Sahni. It is further alleged that 10-12 unknown persons were also involved in the alleged occurrence.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and she has falsely been implicated in this case. He further submits that there is no CCTV footage that petitioner picked up brick from behind and threw which hit the head of Constable No. 165, namely, Ajay Kumar Yadav. He further submits that no shop was installed by the petitioner and petitioner was only visited the fair but suddenly the police apprehended him without any evidence. He further submits that



though victim has sustained one injury on the head but nature of injury has not been mentioned. He further submits that petitioner being lady is in custody since 03.04.2025 and bears no criminal antecedent. Learned counsel submits that charge sheet has been submitted in the case, as mentioned in the impugned order and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation of assault to the police official against the petitioner and the said allegation is corroborated by the injury report and hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, petitioner is lady and bears no criminal antecedent, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 Judicial Magistrate, 1st Class, Samastipur in connection with Halai P.S.



Case No. 44 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel her bail bond.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

