

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55253 of 2025

Arising Out of PS. Case No.-425 Year-2025 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Kalpana Kumari @ Kalpana Devi W/o Mukesh Kumar @ Mukesh Bharati
R/o Village - Dumri, P.O - Dumri, Ward no. 14, P.S - Sadar, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Muzaffarpur Sadar P.S. Case No. 425 of 2025 for the offence punishable under Sections 126(2), 115(2), 109, 303(2), 74, 352 and 3(5) of the B.N.S. lodged on 18.05.2025 by the informant, Maharaj Kumar.

3. As per the prosecution story, the informant alleged that he was visiting the house of Dinesh Sharma on the occasion of marriage. The elder brother Dharmaraj Sharma was visiting the said place where Sanu Kumar was serving water. When his elder brother asked for water, it was refused, argument took place whereafter Raushan Kumar and Sanu Kumar started making video. It was objected whereafter Raushan Kumar, Suraj Kumar and



Gaurav Kumar attacked his brother causing head injury and he became unconscious. When the informant and the sister-in-law came to the rescue, allegation is that the petitioner and Sangeeta Devi started fighting with the ladies. They were shifted to the Sadar Hospital, Muzaffarpur and then to SKMCH, Muzaffarpur and finally to PMCH, Patna where the elder brother succumbed to the injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that allegation of causing head injury is mainly against Raushan Kumar, Suraj Kumar and Gaurav Kumar. The allegation against the ladies is/are dragging the other ladies of informant's side by pulling the hair, the petitioner has no criminal antecedent and is in custody since 20.05.2025.

5. Learned APP opposes the prayer for bail submitting that in a minor issue of serving of water in a feast, the accused insured that the elder brother leaves this world.

6. Taking into account the submission of the parties as also that the allegation is mainly against Raushan Kumar, Suraj Kumar and Gaurav Kumar, petitioner is a lady, has no criminal antecedent, is in custody since 20.05.2025, FIR is there and she will be facing the trial, in that background, this Court is inclined to extend her the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 425 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

Adnan/-

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