

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.62494 of 2025

Arising Out of PS. Case No.-274 Year-2024 Thana- KOTWA District- East Champaran

Minu Upadhyaya @ Minu Devi S/O Dipu Upadhyaya R/O Village- Kotwa Bajar/ Kotwa Bazar, P.S.- Kotwa, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore Alias Kundan Kumar

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

2 12-09-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 118(1), 110, 303(2), 3(5) of the B.N.S.

3. The allegation in the first information report is that the accused persons including the petitioner entered into the house of the informant and indulged in an act of abusing, threatening and assault.

4. Learned counsel for the petitioner submits that the petitioner is a lady and the specific allegation upon her is that of giving a knife blow on the neck of the informant causing injury to her. However, the injury report of the informant has been annexed as Annexure-2 series which would show that although she had sustained three injuries, the same are simple in nature and as a matter of fact, no injury on the neck of the informant has been found which *prima facie* negates the allegation made upon the



petitioner. It is further argued that there is a case and counter case arising out of a land dispute between the gotiyas. Further, it has also been pointed out that the present FIR has been lodged after an inordinate delay of 11 days for which no plausible explanation has been rendered.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Considering the facts and circumstances and also considering that the injury report does not corroborate the allegations against the petitioner as also considering the fact that she is a lady and there is case and counter case, let the above named petitioner in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kotwa P.S. Case No. 274 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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