

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73914 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- MEDNI CHAUKI District- Lakhisarai

Laxmi Devi W/O Arvind Sao Resident of village- Jhapani, P.S.- Medni
Chouki, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari

For the Opposite Party/s : Mr. Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Medani Chowki P.S. Case No. 86 of 2023 dated 10.06.2023 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 504 and 506 read with section 34 of the I.P.C and later on added section 304 of the IPC.

3. As per the prosecution case, on 08.06.2023 at 4.00 P.M., when the informant was cleaning drainage, the co-accused came on a motorcycle and tried to run over her. On protest, he abused her and threatened that she would be killed. It is further alleged that the scuffle took place and the petitioner came and pushed the informant down by catching her hairs and the co-



accused crushed the informant and assaulted her by means of fists and slaps, and even disrobed her. The co-accused lifted the informant and dashed her down due to which she received multiple injuries and her leg got fractured. When her son came to rescue, he was also assaulted by the accused. On hulla, nearby people came and brought them to Surajgarha Hospital for treatment from where they were referred to Lakhisarai for better treatment. It is further stated that the co-accused snatched silver chain from the informant's possession.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the both parties are own agnates. It is further submitted that the occurrence took place on 08.06.2023 and the F.I.R. has been lodged on 10.06.2023 after a delay of two days for which no explanation was given by the prosecution. The matter has already been compromised between the parties on 01.07.2023 and the informant died her natural death on 13.07.2023 as it is evident from the affidavit dated 25.08.2023 sworn by the informant's sons stating therein that their mother being aged about 65 years died due to her natural death. From perusal of the Viscera report, it appears that No Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile Poison



could be detected in the dark brown fluid as described above. The petitioner is a lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. Similarly situated co-accused has already been granted regular bail by this court vide order dated 19.06.2024 passed in Cr. Misc No. 75553 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Lakhisarai in connection with Medani Chowki P.S. Case No. 86 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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