

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75949 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

-
1. Indrawati Devi W/o Dadan Tiwari R/o vill - Orra, P.S. - Belaon (Bhagwanpur), Distt. - Kaimur at Bhabua
 2. Dadan Tiwari S/o Late Harishankar Tiwari R/o vill - Orra, P.S. - Belaon (Bhagwanpur), Distt. - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP
For the Informant : Ms. Dipti Divya, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-04-2025 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Bhagwanpur P.S. Case No. 189 of 2024 registered for the offences punishable under Sections 126(2), 127(2), 117(2), 109, 76, 352, 351(2)3(5), 351(3) of BNS.

3. Petitioner No. 1 is the wife of petitioner no. 2. The allegation against petitioners is to assault the informant and others along with other co-accused persons causing head and bodily injuries, where assault was



alleged to be caused by petitioner no. 2 by using sharp edged cut weapons. It is alleged further that the assault was made with an intention to cause the death of injured/informant. The occurrence said to be arising out of land dispute.

4. It is submitted by learned counsel appearing on behalf of the petitioners that as per FIR allegation against petitioner no. 2 namely Dadan Tiwari. is to assault/injured Hari Tiwari by using sharp edged cut weapon but upon medical examination no incised wound was found rather same was found lacerations and simple in nature making entire allegation of assault doubtful on its face. It is further pointed out that the petitioner no. 1 is implicated with the occurrence only being the wife of petitioner no. 2 with ornamental allegations of theft as during the occurrence she snatched the chain. It is pointed out that in fact the occurrence took place in the background of the land dispute for which the Title Suit bearing no. 894 of 2023-24 is pending before the court



of learned Sub-Judge 1st, Bhabua, where petitioner are in possessions of the disputed land. While concluding arguments, it is submitted that petitioner no. 1 is a lady of clean antecedent, whereas petitioner no. 2 found involved in one more criminal case with the same informant, where he is on bail.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as petitioner no. 1 is a lady of clean antecedent whereas assault as alleged to be caused by petitioner no. 2 not appears *prima-facie* corroborating *qua* nature of weapon alleged to be used during occurrence coupled with fact that upon medical examination injuries found simple, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of



the learned CJM, Bhabua (Kaimur) /concerned Court,
where the case is pending in connection with Bhagwanpur
P.S. Case No. 189 of 2024, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C/Section
482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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

