

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85083 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- DIGHWARA District- Saran

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1. Rajan Pandit @ Rajan Kumar Pandit Son of Late Naresh Pandit Resident of Village- Kesharpur P.S.- Digwara District- Saran at Chapra
 2. Mina Devi Wife of Rajan Pandit @ Rajan Kumar Pandit Resident of Village- Kesharpur P.S.- Digwara District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv
For the Opposite Party/s : Mr.Rajendra Singh, APp

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 19-06-2025 Heard learned counsel for the petitioners, and the learned APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code.

3. At the outset, after some argument the learned counsel for the petitioner prays for withdrawal of anticipatory bail application of petitioner no. 1, namely, Ranjan Pandit @ Ranjan Kumar Pandit to surrender and seek regular bail.

4. The permission is granted. In case the petitioner surrenders within a period of four weeks, the same shall be considered on its own merit without being prejudiced by the



present withdrawal order. The present petition now survives only against the petitioner no. 2, namely, Mina Devi.

5. The prosecution case as disclosed in the FIR, is that on account of a dispute with regard to path the accused persons threatened the informant. On 20.06.2024 all the accused persons including the present petitioner came variously armed and petitioner no. 1 and 2 attacked the informant by way of a Knife which hit in the stomach just below the chest of the informant causing injury to him, who was taken to PMCH for treatment and his fardbeyan was recorded on 24.06.2024. Subsequently, the informant died and hence, the present case is also one under section 302 of the IPC.

6. Learned counsel for the petitioner no. 2 submits that it would be evident from bare perusal of the FIR that the dispute was with regard to a path and on the spur of the moment, the occurrence took place and thus there was no planning or premeditation to commit the said offence. It has further been pointed out that as against the allegation made on both the petitioners of using sharp cutting knife, the injury report of the informant / deceased which has been annexed as Annexure-P-3 would go to show that there is only one incised injury caused by sharp cutting object and the nature of injury is



simple. It has also been submitted that even looking at the post mortem report, it would appear that the death has taken place due to peritonitis and septicemia which is result of the injury caused in the abdomen of the informant/ deceased. It has also been submitted that the death of the deceased had taken place on 26.07.2024 showing that he survived for more than one month and the death has occurred owing to some infections which may have been negligently overlooked. There is a case and counter case between the parties.

7. Further, submission on behalf of the petitioner is that petitioner no. 2 is a lady and it is not expected that she would be giving a knife blow to the deceased in the manner as alleged and moreover, the injury is also one in number and there is single injury, which is attributable to petitioner no. 1 only.

8. Learned APP for the State and learned counsel for the informant opposes the anticipatory bail. It has been submitted by the learned counsel for the informant that there is an allegation of both the petitioners of giving a knife blow but the deceased has suffered a single injury that would be attributable to the male member of the family, who is the petitioner no. 1

9. Taking into consideration, all the above mentioned



facts and circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner no. 2, who is a lady. Accordingly, in the event of her arrest/ surrender within a period of four weeks from today the petitioners shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, saran at Chapra in Dighwara P.S.Case No. 244 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioners shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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