

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79309 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- THALI District- Nawada

Sarita Devi @ Saro Devi Son of Virendra Yadav @ Surendra Yadav Resident
of village- Madhopur, P.S.- Thali, District- Nawada, State-Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-02-2025 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Thali P.S. Case No. 196 of 2024 for the offence under Sections 126(2), 115(2), 109, 107(2), 352, 351(2), 3 (5) of the Bharatiya Nayaya Sanhita, 2023 of the I.P.C. lodged on 07.08.2024 by the informant, Gudiya Devi.

3. As per the prosecution story, the informant alleged that both being related, the accused couple started demolishing the part of her house and upon objection, assaulted both the informant and her husband causing injuries. This led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case in the matter, the abusive talk was taking place for days which ultimately resulted into scuffle, the other side fell down but has attributed to the beating. She do not have any criminal antecedent and further, irrespective of the



outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that as per the learned Sessions Judge order, one of the injury was found to be grievous in nature.

6. Having heard the parties, though the allegation against her is of having thrown the bricks causing injury to the informant, considering that she is a lady, there is case and counter-case, land dispute is there and did not have any criminal antecedent, this Court is inclined to extend her the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned S.D.J.M., Nawada in connection with Thali P.S. Case No. 196 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. 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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