

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87389 of 2024

Arising Out of PS. Case No.-12 Year-2022 Thana- NAUHATTA District- Rohtas

1. Shivnati Devi @ Shitwanti Devi@Shivanti Devi W/o Baban Singh R/o vill - Pipradih, P.S. - Nauhatta, Distt.- Rohtas at Sasaram
2. Baban Singh S/o Haridawar Singh R/o vill - Pipradih, P.S. - Nauhatta, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-07-2025 1. Heard learned counsel for the petitioners and learned APP for the State.

2. After some arguments, learned counsel for the petitioners prays for withdrawal of the anticipatory bail application with respect to petitioner no.2 (Baban Singh).

3. Permission is granted.

4. This application is dismissed as withdrawn with liberty that if the petitioner no.2 surrenders and seeks regular bail before the learned Court below within a period of three weeks, the same shall be considered on its own merit without being prejudiced by the present order of withdrawal and also considering the fact that similarly situated co-accused have



already been granted regular bail.

5. The instant case only survives with respect to petitioner no.1 (Shivnati Devi).

6. The petitioner apprehends her arrest in connection with Nauhatta P.S. Case no.12 of 2022 registered under Sections 302 and 34 of the Indian Penal Code.

7. The allegation in the F.I.R is that informant names as many as 9 persons, including the petitioner no.1, of having assaulted and beaten his mother to death.

8. Learned counsel for the petitioner submits at the outset that it would be apparent from the F.I.R itself that there is no eyewitness to the occurrence. The informant has come upon hear say information of his brother who himself has stated during course of cross examination that he was not present in house and hence, even he is not witness to the occurrence. Learned counsel refers to paragraph 2 of the case diary that the police had found informant's brother in a very nervous and suspicious condition and used to drinking. It has further been submitted that during course of investigation no other witness has come forward to given any eyewitness account of occurrence rather the independent witnesses have indicated false implication owing to an earlier dispute.



9. The application for anticipatory bail is opposed by learned A.P.P. for the State.

10. Taking into consideration the fact that the petitioner no.1 is a lady and she seems to have been made an accused only on account of the fact that she is one of the *gotiyas*, let petitioner no.1, namely, Shivnati Devi @ Shitwanti Devi @ Shivanti Devi, in the event of her arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Nauhatta P.S. Case no.12 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Dehri, Rohtas, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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