

(2021) 03 PAT CK 0157

Patna High Court

Case No: Criminal Miscellaneous No. 32068 Of 2020

Urmila Devi @ Urmila Kumari

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 19, 2021

Acts Referred:

- Indian Penal Code, 1860 - Section 147, 148, 149, 302, 307, 323, 324, 325, 341
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J

Bench: Single Bench

Advocate: Ramakant Sharma, Deepak Kumar Singh, Abhay Kumar, Dr. Amrendra Kumar

Final Decision: Disposed Of

Judgement

1. Heard Mr. Ramakant Sharma, learned senior counsel along with Mr. Deepak Kumar Singh, learned counsel for the petitioner; Mr. Abhay Kumar

No. 1, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State and Dr. Amrendra Kumar, learned counsel for the informant.

2. The petitioner apprehends arrest in connection with Mohiuddinnagar PS Case No. 62 of 2020 dated 21.04.2020, instituted under Sections 147/148/149/341/323/324/325/307/302 of the Indian Penal Code.

3. The allegation against the petitioner is of assault on the father-in-law and husband of the informant, by khurpi, whereas against others is by hard blunt substance.

4. Learned counsel for the petitioner submitted that besides she being a lady and having no criminal antecedent, the allegation is general and omnibus

and all the family members have been implicated, including the old male members and the petitioner is the only female member. It was submitted that even otherwise it is unbelievable that when six male members are assaulting, the petitioner being a lady would also go forward and use a khurpi, which is a small sickle used for cutting grass by hand. Learned counsel submitted that even the post-mortem report does not corroborate any injury by sharp edged weapon as in the opinion of the doctor all injuries were caused by hard blunt substance.

5. Learned APP submitted that there is allegation against the petitioner also and the father-in-law of the informant has been killed and the husband of the informant was injured.

6. Learned counsel for the informant submitted that the accused have criminal bent of mind as on the day on which the anticipatory bail application of the present petitioner was rejected, one of the accused had threatened the informant due to which she had to take shelter in the police station and had to request them to give protection to return to her house. However, he was not able to show any role of the petitioner in such incident.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in Mohiuddinnagar PS Case No. 62 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of her bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.