

(2021) 04 PAT CK 0114

Patna High Court

Case No: Criminal Miscellaneous No. 34652 Of 2020

Mohani Devi And Anr

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: April 28, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 120B, 147, 307, 323, 324, 341, 354, 504
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Anil Kumar Singh, Anand Mohan Prasad Mehta**Final Decision:** Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Anand Mohan Prasad Mehta, learned Additional Public Prosecutor (hereinafter referred to as the "APP"™) for the State.
3. The petitioners apprehend arrest in connection with Dawath PS Case No. 56 of 2020 dated 12.09.2020, instituted under Sections 147, 341, 323, 324, 354, 307, 504, 120(B) of the Indian Penal Code.
4. The allegation against the petitioners is of having generally assaulted the informant and specifically against petitioner no. 1 of inflicting blow by lathi on head resulting in injury.
5. Learned counsel for the petitioners submitted that the parties are agnates and there is also a counter case. It was further submitted that petitioners

are ladies and there is general and omnibus allegation and the injury report also discloses that the same are simple in nature. It was submitted that the petitioners have no criminal antecedent. It was submitted that as far as petitioner no. 2 is concerned, the allegation is only general and omnibus in nature.

6. Learned APP submitted that specific allegation in the FIR against petitioner no. 1 is blow by lathi on the head which is corroborated by the injury report as lacerated wound has been found over the scalp. It was further submitted that in the injury report, the cause has been shown as hard and sharp and also blunt. However, it was not controverted that against petitioner no. 2 there is only general and omnibus allegation of assault. Learned APP further submitted that other co-accused have been granted regular bail by the Court below.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner no. 2, namely Mala

Devi, in the event of arrest or surrender before the Court below within six weeks from today, 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 Additional Chief Judicial Magistrate,

Bikramganj, Rohtas in connection with Dawath PS Case No. 56 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 no. 2, (ii) that the petitioner no. 2 and the bailors shall

execute bond/give undertaking with regard to good behaviour of the petitioner no. 2 and she shall co-operate with the police/prosecution and the Court.

Any violation of the terms and conditions of the bonds or the undertaking and failure to co-operate shall 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 no. 2, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner no. 2.

9. The prayer for anticipatory bail of petitioner no. 1, namely Mohani Devi stands rejected.

10. However, in view of the submissions of learned counsel for the parties, it is observed that if the petitioner no. 1 appears before the Court below and seeks bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.
11. The application stands disposed off in the aforementioned terms.