

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14613 of 2015

Arising Out of PS.Case No. -40 Year- 2014 Thana -ANGARGHAT District- SAMASTIPUR

1. Girija Devi W/o -Gango Rai
2. Gita Devi W/o Shankar Rai both resident of Village- Chaita Tola,
Dakshini Lilzi, P.s Angarghat, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Mustaque Alam(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered under Sections 147,148,149, 307, 302, 341, 323 and 324 xxx of the Indian Penal Code.

Heard learned counsel for the petitioners and the State.

The prosecution story, in brief, is that on 05.06.2014 at about 10 A.M when the informant and his family members were busy in hospitality of their relative at that time co accused persons, namely, Gango Rai and his son Shankar Rai started digging land for laying foundation of house on the plot of the informant. Informant when resisted then accused persons started abusing and accused Shankar Rai assaulted by Kudal on the head of the informant and he fell down. Thereafter accused Gango Rai



raised alarm and called other family members. Thereafter other accused persons including these petitioners also assembled there land with sharp and dangerous weapons and attacked on informant and his father. In the mean time other family members of the informant including his brother Sanjay Rai , uncle Mahesh Rai, nephew Rakesh Rai and mother Gulala Devi came there to save the informant and his father but accused persons also started to assault them. It is further alleged that accused Shankar Rai assaulted on the head of Sanjay Rai by sharp edged weapon and Sanjay Rai fell down. His head was badly damaged due to said assault. In the meantime villagers also assembled there then accused persons fled away. Situation of Sanjay Rai was very serious, who was referred to Patna but died on way to Patna.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Further it has been submitted that the petitioners have falsely been implicated in the present case due to land dispute. It is also submitted that the petitioners are ladies. From perusal of FIR it is apparent that the main allegation of assault is against Shankar Rai. It is further submitted that there is a case and counter case which was instituted by the said Shankar Rai, vide Annexure 2 to the present application.

On behalf of the State it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Dalsingsarai in Samastipur district, in connection with Angarghat P.S.Case No. 40 of 2014 , subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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