

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40473 of 2015

Arising Out of PS.Case No. -194 Year- 2015 Thana -BAHADURPUR District- DARBHANGA

1. Nilam Devi Wife of Hareram Mahto,
2. Khushbu Devi, Daughter of Maheshwar Mahto, Both are resident of
Kharajpur, P.S. - Bahadurpur, Distict - Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Devi Das Srivastava, Advocate.

For the Opposite Party : Mr. Sanjay Kumar Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-11-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 313 and 34 of the Indian Penal Code.

The informant alleged that some occurrence took place on 18.06.2015 and for that on 19.06.2015 the petitioners Nilam Devi and Khushbu Devi came to her courtyard they abused her and also assaulted her. On account of such assault she felt pain in her abdomen and became unconscious on 21.06.2015, thereafter she was brought to hospital for treatment.

Learned counsel for the petitioners submits that prior to lodging of this case there is case and counter case between the parties. The informant is also an accused in the case lodged by the side of the petitioners. The informant did not inform the doctor about any assault

made to her by the petitioners and, therefore, the doctor treated her for her bleeding but did not give any injury report. The informant did not get any injury either external or internal. From the treatment report of Dr. Kanchan Mala, treated the informant, stated that the patient was diagnosed as a case of incomplete abortion and D & E was done, but she did not mention about any assault or injury causing bleeding.

Considering the facts aforesaid and the fact that the occurrence took place on 19.06.2015, but the fardbeyan was given on 22.06.2015, after treatment, but even then the informant could not complain about any assault made by the petitioner before the doctor who treated her, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Darbhanga in Bahadurpur P.S. Case No. 194 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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