

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43157 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

Pinki Devi wife of Bipin Sharma, resident of village Nandpur P.S. Suryagarha District Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.46291 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

Chunchun Sharma @Chunchun Singh Son of Late Jagarnath Sharma resident of village - Nandpur, P.S. Surajgarha, Distt. - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.48368 of 2015

Arising Out of PS.Case No. -229 Year- 2014 Thana -SURYAGARHA District- LAKHISARAI

BIPIN SHARMA @ BIPIN Son of Late Lakshmi Sharma, Resident of Village - Nandpur, P.S. - Suryagarha, District - Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.43157 of 2015 & 48368 of 2015)

For the Petitioners : Mr. Yogesh Chandra Verma, Sr.Advocate with
Mr. Ram Vinay Prasad Singh @ Sanjay, Advocate

For the Petitioner : Mr. P.P.N.Shahi, Advocate

(In Cr.Misc.No. 46291 of 2015)

For the Opposite Party/s : Mr. Binod Kr. 3, APP

(In all the cases)

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

4 01-12-2015 Heard learned counsels for the petitioners in all the three anticipatory bail applications and learned Additional P.P. for the State.

The petitioners pray for anticipatory bail in a case under Sections 364, 302 and 201/34 of the Indian Penal Code.

The allegation in the FIR is that the husband of the informant was surrounded by named accused persons and four unknown accused persons and apart from them the petitioner being Pinki Devi, who was there, was repeatedly directing them to beat the husband of the informant and after assaulting him with lathi and butt of rifle the husband of the informant was taken on a boat and crossed the river, upon which the bhaibur and son of the informant pursued them on another boat and on reaching the other side they found the dead body of the informant's husband. However, when the police arrived the dead body had been made to disappear.

So far as petitioner Pinki Devi is concerned, learned counsel for the petitioner submits that she is a lady and Mukhiya of the village and on account of political rivalry she has been dragged as an accused in the case alleging her as an order-giver. However, it is submitted that there is no allegation against her in the FIR that she had instigated other accused persons to kill the



husband of the informant rather the allegation is that she only asked them to beat him more. It is also submitted by learned counsel that on the basis of the Annexures that accused Pinki Devi had undergone surgery at PMCH for which she was admitted on 8th November, surgery was held on 9th November and she was ultimately discharged on 17th November, 2014, whereas the occurrence is alleged to have taken place on 10th November, which gives a lie to the allegation. It is also submitted by learned counsel that the clear statement in the FIR was that Pinki Devi had returned to home and did not accompany the other accused persons and, accordingly, she could not be held to be liable for an offence under Section 302 IPC. It is also submitted that the petitioner Pinki Devi has no criminal antecedent.

Learned counsel for the petitioner Chunchun Sharma submits that there is no specific overt act alleged against him rather there is general allegation that he was among the accused persons who were beating and assaulting the deceased with lathi and butt of rifle. It is submitted that it is not even stated as to whether the petitioner was carrying rifle or lathi and the entire occurrence is completely made up apart from the fact that the dead body has not been recovered and only upon suspicion the petitioner has been falsely implicated. Learned counsel further



submits that the petitioner is an accused in one another case under Section 302 IPC which relates to family dispute and thus effectively is not a person of criminal conduct. Learned counsel also states that two other similarly placed accused persons, namely, Shankar Sharma @ Shankar Singh @ Ram Shankar Sharma and Bam Bam Singh @ Birendra Kumar Singh, have been granted bail by this Court by order dated 24.11.2015 passed in Cr.Misc.Nos. 35594 of 2015 and 28959 of 2015.

Learned counsel for the petitioner Bipin Sharma, while adopting the aforesaid submissions, however, states that though the petitioner is involved in as many as three cases; first one is under minor sections and the petitioner is on bail in all the other cases.

From paragraph-3 of the application of this petitioner Bipin Sharma @ Bipin it is evident that in two of the three previous cases there are offences including Section 376 IPC and 307 IPC apart from the Arms Act. Thus, on a consideration of the criminal antecedents of this petitioner, the anticipatory bail of the petitioner Bipin Sharma @ Bipin is rejected.

So far as other two petitioners are concerned, in the facts and circumstances, it is directed that the petitioners, namely, Pinki Devi and Chunchun Sharma @ Chunchun Singh, in the event of

their arrest/surrender in the court below within a period of four weeks from today shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Suryagarha P.S.Case No. 229 of 2014 to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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