

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47378 of 2014

Arising Out of PS.Case No. -61 Year- 2014 Thana -AMAS District- GAYA

- =====
1. Punam Devi Wife of Late Sanjay Paswan
2. Rajiya Devi @ Radhika Devi Wife of Sarjug Paswan
- Both residents of village - Akauna, P.S. - Amas, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

2 30-04-2015 Heard Mr. Ramakant Sharma, learned senior counsel

assisted by Mr. Lakshmi Kant Sharma, learned counsel for the

petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to

make necessary correction in the prayer portion with regard to the

court before which the case is pending. Let the same be done

during the course of the day.

The petitioners apprehend arrest in Amas P.S. Case No. 61 of 2014 dated 10.05.2014 instituted under Sections 328/302/34 of the Indian Penal Code.

The allegation against the petitioners along with three others is that they had killed the son of the informant who was the husband of petitioner no. 1. Petitioner no. 2 is the mother of petitioner no. 1.

Learned counsel for the petitioners submits that the deceased had died due to over indulgence and the police had also conducted postmortem in which only abrasion below the right elbow and one behind the right elbow joint have been found with no other injury and the viscera was sent for forensic report. It is submitted that the petitioners along with their family members, that is, the father-in-law and two brothers-in-law of the deceased have also been made accused but without any basis. It is submitted that the petitioners are ladies having no criminal antecedent and further petitioner no. 1, that is the wife of the deceased, having three children, in their own house could not have committed the crime. Learned counsel submits that though the informant had lodged the case but lateron he has filed a petition before the Judicial Magistrate, 1st Class, Sherghati in which he has stated that he had only signed on the fardbeyan which was not written by him

and only at the instance of others, and has further stated that his son always used to take wine and due to this he died.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering 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 petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Sherghati, Gaya in Amas P.S. Case No. 61 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J)

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