

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50346 of 2015

Arising Out of PS.Case No. -179 Year- 2014 Thana -CHHATAPUR District- SUPAUL

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1. Nanki Devi wife of Brahmdeo Rajak
2. Harinandan Rajak son of Munnalal Rajak
3. Domni Devi wife of Harinandan Rajak All are resident of Village- Parsa,
Birbal P.s Chhatapur, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 10-11-2015 Heard Mr. Mishra for the petitioner and the APP, for the
State.

After some arguments, the counsel for the petitioners sought
permission to withdraw the application so far as petitioner no. 2 is
concerned.

Prayer is allowed.

The application, so far it concerns petitioner no. 2, is
permitted to be withdrawn. He may surrender and seek regular
bail.

The two petitioners herein are lady members of the house.
Both parties are agnates as apparent from the F.I.R.. On a trivial
issue, it is alleged that a scuffle took place on which on the orders
of Anil Kumar, co-accused Bechan Rajak gave iron rod blow on

the informant. He received injury and after few days died. Case was initially registered under sections 307 of the Indian Penal Code vide Chhatapur P.S. Case No. 179 of 2014 but subsequently Section 302 IPC was added.

It is submitted that the petitioners are lady members. The allegations of assault of other family members are omnibus in which the lady members have also been named. Indisputably, the occurrence took place on the spur of the movement and on a trivial issue. Criminality is not reflected from bare perusal of the F.I.R.

Considering the fact that the petitioners are lady members of the family and allegation of causing injury to other members are omnibus, in the event of arrest or surrender in the Court below within five weeks, the petitioner nos. 1 and 3 above namely Nanki Devi and Domni Devi are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.N., Supaul in Chhatapur P.S. Case No. 179 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear

in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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