

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13301 of 2015**

Arising Out of PS.Case No. -955 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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1. Babli Devi wife of Ram Narain Sah  
2. Priti Kumar Daughter of Ram Narain Sah Both Resident of prabhat colony, P.S. K.Hat, District, Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amarendra Kumar Singh

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

3      29-06-2015      A supplementary affidavit has been filed on behalf of the petitioners.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State and also learned counsel appearing for the informant.

The petitioners apprehend their arrest in connection with K. Hat P.S. Case No. 955 of 2014 registered under sections 302/34 of the Indian Penal Code.

Admittedly, petitioner no. 1 Babli Devi is own Bhabhi of the deceased and the present occurrence took place on 27.11.2014. Further more, it is further evident that just after the occurrence, the deceased was taken to Hospital where his

treatment was done and after proper treatment he was discharged from the said Hospital and came to his house. Again on the next day, his condition started deteriorating. He was again brought to Sadar Hospital, Purnea where he died in course of treatment and after his death, the present case was lodged.

Learned counsel for the petitioners points out that when the informant was brought to Hospital on 27.11.2014, it was disclosed before the authorities of the said Hospital that the deceased sustained injury due to fall and it was not disclosed either by the informant or by the deceased that the deceased sustained injuries due to assault. It is further contended by the learned counsel for the petitioners that due to family feud, the informant lodged this case against the petitioners.

On the other hand learned counsel for the informant points out that there is specific allegation against the petitioners that they assaulted the deceased and the post mortem report also corroborates the allegation against the petitioners.

Admittedly, the informant is not an eye witness of the alleged occurrence and in course of investigation, only one witness claimed to have seen petitioner no. 1 assaulting the deceased by means of lathi. Moreover, annexure-A/3 of the supplementary affidavit reveals that when the deceased was

brought to the Hospital, it was disclosed that he sustained injuries due to fall.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioners, in the event of arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in K. Hat P.S. Case No. 955 of 2014 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Amin/-

**(Hemant Kumar Srivastava, J)**

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