

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39593 of 2014

Arising Out of PS.Case No. -19 Year- 2014 Thana -KANGALI District-
WESTCHAMPARAN(BETTIAH)

=====

1. Sahima Khatoon Wife of Shah Alam Khan
2. Najari Khatoon Daughter of Shah Alam Khan Both are resident of
Sabiathwa, P.S. - Kangali, District- West Champaran Petitioners

Versus

1. The State of Bihar Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Ambika Bhagat (Spl.Pp)

=====

CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 22-04-2015 Heard the learned counsel for the
petitioners and the State.

This is a petition for grant of anticipatory bail for offence under Sections 302/34 of the Penal Code and 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The informant is not the eye witness. However, it is stated that his son, with regard to quarrel for hen and cock, was assaulted by slaps and fists by which he stopped speaking and died and in the case diary only information about the statement of Hari Vinay and corroboration by Sahima. However, in the statement of Hari Vinay it is stated that the assault was made by Sahima Khatoon by slaps and fists and the police after investigation submitted charge sheet under Section 304 of the Penal Code.

Hence, having regard to the facts and circumstances of the case, the petitioner no. 2, above named, in the event of her arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with the Kangali P.S. Case No. 19 of 2014 to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

So far the prayer for anticipatory bail of petitioner no. 1, above named, is concerned, I am not inclined to grant anticipatory bail to her.

The prayer for anticipatory bail on behalf of petitioner no. 1, above named, is **rejected**.

However, if petitioner no. 1 surrenders and prays for regular bail, then, that may be considered on it's own merit without being prejudiced of this order.

(Gopal Prasad, J)

SA/-

U	✓	T	✓
---	---	---	---