

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37750 of 2015

Arising Out of PS.Case No. -13 Year- 2003 Thana -CHANDRAMANDI District- JAMUI

- =====
1. Yatri Devi Wife of Gobardhan Yadav (Mahton)
2. Gobardhan Yadav (Mahton) S/o Late Lochan Mahto Both Resident of
village - Ghaghra, P.S. Chandramandih, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in Chandramandih
P.S. Case No. 13/2003, registered for the offences punishable under
Sections 302, 34 of the Indian Penal Code.

The informant alleged that he had some altercation with
Yatri Devi and Gobardhan Yadav for fixing the bamboo. Gobardhan
Yadav and Yatri Devi armed with axe came and assaulted his daughter
Karmi Devi who died.

It is submitted that no external or internal injury was found
on the person of the deceased. Of course, two or three witnesses have
stated about the assault made by brick batting, but neither any external
nor internal injury was found and witnesses have stated that Karmi
Devi was suffering from several diseases. The police after investigation

submitted final form finding the case mistake of facts in the year 2004 itself, but the learned C.J.M. took cognizance of the offences in the year 2015 differing with the finding of the Investigating Officer. Petitioners have falsely been implicated in the case due to land dispute.

Having considered the facts that of course the informant and three witnesses have stated that there was brick batting in which Karmi Devi along with the informant got injuries and Karmi Devi died, but no external or internal injury was found on dead body of Karmi Devi and the witnesses have stated that the deceased died due to illness, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 learned Chief Judicial Magistrate, Jamui in connection with Chandramandih P.S. Case No. 13/2003, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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