

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29880 of 2014

Arising Out of PS.Case No. -97 Year- 2013 Thana -GHOSBARI District- PATNA

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1. Pauni Devi Wife of Sri Prahlad Ram R/o Village Trimuhan, P.S.
Ghoshwari, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. S.M. Rahman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-02-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

It is alleged that the informant's brother Kanhaiya Ram was assaulted by four FIR named accused persons including the petitioner for fishing unauthorizedly from the pond. When the informant and his another brother went to rescue, they were also assaulted. Kanhaiya Ram subsequently succumbed to the injury.

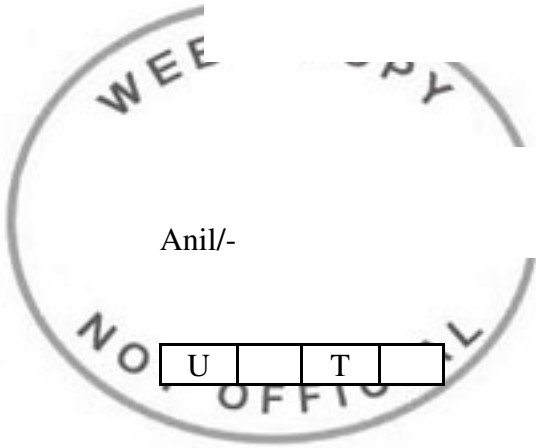
It is submitted by learned counsel for the petitioner that the informant in his subsequent statement



recorded in paragraph 35 of the case diary has stated that the petitioner was not present at the place of occurrence. The petitioner was pregnant at the relevant time and similar are the statements of the wives of informant and deceased recorded in paragraphs 6 and 5 respectively of the case diary. Other independent witnesses have also suggested in paragraphs 45,47 and 81 of the case diary that the petitioner was not present at the place of occurrence. Post-mortem report reflects one bruise on the chest and swelling on the right arm. The doctor could not ascertain the cause of death and viscera has been preserved. It is further submitted that the accusation in the FIR is omnibus and general.

Considering the accusation not being corroborated by the post mortem report and the subsequent statements of the informant, informant's wife and the wife of the deceased, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Barh (Patna) in connection with Ghoswari P.S. Case No. 97 of 2013 subject to the conditions as laid

down under Section 438(2) Cr.P.C.



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(Dinesh Kumar Singh, J)