

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 9123 of 2015

Arising Out of PS.Case No. -274 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

- =====
1. Sarswati Devi W/o Bishwanath Raut
 2. Garib Nath Kumar @ Rameshwar Raut @ Ramishwar Kumar S/o Bishwanath Raut.
- Both R/o Village Mustfaganj, P.S. Minapur, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 07-05-2015 Heard learned counsel for the petitioners,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioners apprehend arrest in Minapur
P.S. Case No. 274 of 2014 dated 06.07.2014 instituted under
Sections 302/379/34 of the Indian Penal Code.

The allegation against the petitioners is that
they along with three others had initially abused the deceased
and later on another co-accused Bishwanath Raut had given
blow by '*Barchi*' and then all the accused had assaulted the
deceased by stick and it is further alleged that the petitioners
had taken away golden chain and Rs. 1900/- from the person
of the deceased.

Learned counsel for the petitioners submits
that they are the wife and son of Bishwanath Raut and the



informant is the grandson of the step-mother of Bishwanath Raut and there is land dispute between the parties. It is submitted that the petitioners have clean antecedent and during postmortem no other injury has been found on the body except for one incised wound being the cause of death and the said wound is attributable specifically to Bishwanath Raut and not the petitioners. Learned counsel further submits that though the incident is alleged to have occurred on 26.06.2014 but the F.I.R. has been lodged on 06.07.2014 for which there is no explanation and since initially if serious injury was present, at least a case under Section 307 of the Indian Penal Code ought to have been instituted which has not been done and the same is also indicative of false implication. Learned counsel submits that snatching of golden chain and Rs. 1900/- from the person of the deceased is cosmetic as it cannot be believed that out of five persons, the petitioner no. 2 would snatch away the said articles and that too from the person of the deceased in presence of the informant who admittedly did not do anything to prevent the incident from taking place.

Learned A.P.P., upon going through the case diary and learned counsel for the informant oppose the prayer for anticipatory bail. However, they do not dispute the fact that the allegation of specific blow by sharp edged weapon is against another co-accused and only one wound has been

found on the body of the deceased during postmortem.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon 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, Muzaffarpur in Minapur P.S. Case No. 274 of 2014, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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