

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49855 of 2014

Arising Out of PS.Case No. -254 Year- 2014 Thana -SAKRA District- MUZAFFARPUR

1. Lalita Devi wife of Kusheshwar Pandit
2. Krishna Devi wife of Santosh Pandit
3. Kaushalya Devi wife of Late Sheojee Pandit All of village Narainpur Sipahi, P.S. Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.13634 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana -SAKRA District- MUZAFFARPUR

1. Mukesh Pandit Son of Late Shivjee Pandit
2. Santosh Pandit Son of Shivchandra Pandit
3. Kishan Pandit Son of Shivchandra Pandit All resident of Village- Narayanpur Sapahi, P.s- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49855 of 2014)

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Gulnar Begum(App)

(In Cr.Misc. No.13634 of 2015)

For the Petitioner/s : Mr. Dharmendra Kumar Paswan

For the Opposite Party/s : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 09-04-2015 Both these applications arise out of Sakra P. S. Case No. 254/2014 as such, they have been heard together and are being disposed of by this common order.

The petitioners apprehend their arrest in connection with the above mentioned P. S. Case registered for the offences

punishable under Sections 147, 148, 149, 341, 323, 302, 504 and 448 of the Indian Penal Code.

Allegedly, Kusheshwar Pandit started beating she-goat on which the father of the informant forbade him and then Kusheshwar Pandit gave lathi blow on the head of the father of the informant. All the accused persons including the petitioner also arrived there with lathi and iron rod and gave indiscriminately blow causing injury on the head of the father of the informant due to which he became senseless. The injured was shifted to Sakra hospital wherefrom he was shifted to S.K.M.C.H., Muzaffarpur and therefrom the patient was referred to P.M.C.H., Patna but in the way the patient died.

Learned counsel appearing on behalf of the petitioners Lalita Devi, Krishna Devi and Kaushalya Devi has submitted that they are ladies and there is not a single allegation against them and as such, they deserve sympathetic consideration. Learned counsel appearing on behalf of the petitioners Mukesh Pandit, Santosh Pandit and Kishan Pandit has submitted that there is no specific allegation against the petitioners. The occurrence had taken place due to previous enmity between them and as such, the petitioners deserve sympathetic consideration. A Complaint case has also been lodged against the informant and his family members.

The learned A.P.P. opposes the prayer of pre-arrest bail.

Considering that the petitioners in Cr. Misc. No. 49855

of 2014 are ladies, having no specific allegation and as such, the petitioners above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of 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, Muzaffarpur in connection with Sakra P.S.Case No. 254/2014, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

Considering the allegation against the petitioners of Cr. Misc. No. 13634/2015, this Court is not persuaded to grant privilege of pre-arrest bail to the petitioners, their such prayer stands rejected,

However, in case and if so advised, the petitioners seek regular bail, their prayer for bail shall be considered on its own merit without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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