

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42892 of 2015

Arising Out of PS.Case No. -215 Year- 2014 Thana -KHAGARIA District- KHAGARIA

=====

1. Shashi Mahton @ Shoshi Mahton S/o Late Chandra Shekhar Mahton,
2. Sadanand Mahton, S/o Late Chandra Shekhar Mahton,
3. Nitu Devi, W/o Shashi Mahton, All are Resident of Village - Dadhi
Bhadas, P.S. - Muffasil, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. C. Jawahar (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 09-12-2015 Heard both sides.

The petitioners apprehend their arrest in Khagaria (Muffasil) P.S. Case No. 215/2014, registered for the offences punishable under Section 341, 323, 504, 379, 312 and 34 of the Indian Penal Code.

Poonam Devi, the informant alleged that some verbal altercation took place with the petitioners, on which Nitu Devi began to abuse her. She also reciprocated. In the meantime, Shashi Mahton @ Shoshi Mahton petitioner no. 1 came and assaulted her with leg on her abdomen causing bleeding and miscarriage of five months foetus.

She further stated that Asha Rani Devi came and got her

admitted in Begusarai hospital, but Asha Rani Devi stated that she took her to Khagaria hospital from where the informant went to Begusarai and again she came to Khagaria hospital on 15.03.2014.

The informant in her further statement made omnibus and general allegation of assault with fist and slap. No specific allegation is made against any of the petitioners, except petitioner no. 1.

But from perusal of the F.I.R. itself, it appears that the informant has made very specific allegation against Shashi Mahton that he assaulted her with leg on her abdomen and the assault resulted in miscarriage of five months pregnancy.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Shashi Mahton on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 2 and 3 namely, Sadanand Mahton and Nitu Devi are concerned, there is no allegation of assault against them. Nitu Devi is a lady, having considered the fact, petitioner no. 2 Sadanand Mahton and petitioner no. 3 Nitu Devi, 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 bail on furnishing bail bond of Rs. 10,000/- (Ten

thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 215/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

U		T	
---	--	---	--