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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22644 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -BAHERA District- DARBHANGA

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1. Janki Devi wife of Ram Bhagat Paswan
2. Ramwali Paswan Son of Ram Bhagat Paswan Both Resident of Village: Mahadei, PS Bahera, District Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioners : Mr. Ram Bali Jha, Advocate.
For the Opposite Party : Mr. Mukesh Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-08-2016 Heard both sides.

The petitioners apprehend their arrest in Bahera P.S. Case No. 59 of 2016 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307 and 354 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The informant Hirpul Paswan alleged that he went to the house of Mahendra Paswan to complain as his daughter was stalked. On such, Mahendra Paswan and others abused him and Rush Paswan assaulted him with Pharsa on his head. Other accused persons also assaulted Manoj Paswan, nephew of the informant, Santosh Paswan, son of the informant and Madan Paswan, brother of the informant. Manoj Paswan died during the course of treatment.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR. During the course of investigation, it has come that Ramwali Paswan, petitioner no. 2 assaulted the deceased Manoj Paswan with Lathi but there is no specific allegation of assault against Janki Devi, petitioner no. 1. It is further submitted that the informant is also eye witness of the occurrence but he did not name the petitioners.

On the other hand learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail of the petitioners.

It appears that, of course, the petitioners are not named in the FIR but injured Madan Paswan and other witnesses have very categorically named the petitioners and made very specific allegation against petitioner no. 2 Ramwali Paswan that he assaulted Manoj Paswan with Lathi but no specific allegation is made against Janki Devi, petitioner no. 1. From perusal of post-mortem report it appears that the deceased got many injuries on his head.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 2 Ramwali Paswan on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 1 Janki Devi is

concerned, she is lady and not named in the FIR, even during the course of investigation none of the witnesses made any specific allegation against her.

Accordingly, petitioner no. 1 Janki Devi, in the event of her 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in Bahera P.S. Case No. 59 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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