

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16267 of 2016

Arising Out of PS.Case No. -613 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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1. Shanti Devi wife of Sri Babu Lal Rishi
2. Janki Devi wife of Sri Chathu Rishi
3. Chando Devi wife of Sri Chotu Rishi
4. Chotu Rishi son of Sri Mahesh Rishi,
All resident of Village- Madhopara, Mushahari Tola, P.S.- K. Hat, District-
Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate.

For the Opposite Party/s : Mr. R.P.S. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-07-2016 Heard both sides.

The petitioners, four in number, apprehend their arrest in K. Hat (Sahayak) P.S. Case No. 613 of 2015 registered under Section 302 and other sections of the Indian Penal Code.

The informant, wife of the deceased, named petitioners no. 1, 2, 3 and others and alleged that they all came to her house and began to abuse her sister-in-law. The informant and her husband protested; on such, all the accused persons went away but again they having been armed with different weapons came in the night at 11 O'clock and began to assault the husband of the informant. They also put pressure on the chest of the husband of the informant. Her husband died during the course of treatment. It

is submitted that petitioners no. 1, 2 and 3 are ladies and no specific allegation is attributed against them. Name of the petitioner no. 4 Chotu Rishi is not mentioned in the FIR. It is further submitted that the petitioners are alleged to have assaulted the deceased with stick but the doctor found no external injury. The doctor found that the deceased was strangled to death.

Considering the fact that the petitioners no. 1, 2 and 3, namely, Shanti Devi, Janki Devi and Chando Devi are ladies and no specific allegation is made against them, the above named petitioners no. 1, 2 and 3, in the event of their arrest or surrender before the learned 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, Purnea in K. Hat (Sahayak) P.S. Case No. 613/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 4, namely, Chotu Rishi is concerned, of course, he is not named in the FIR but immediately after lodging of the FIR, the informant named the petitioner no. 4 in her statement and during the course of

investigation, the witnesses have also stated that apart from petitioners no. 1, 2, 3, another accused, namely, Chotu Rishi (petitioner no. 4) and others jumped over the body of the deceased and from the post mortem report also it appears that the lungs and other vital parts of the body of the deceased were found compressed and the deceased died of strangulation.

Considering the facts aforesaid, I am not inclined to enlarge the above named petitioner no. 4 on anticipatory bail in K. Hat (Sahayak) P.S. Case No. 613 of 2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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