

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20210 of 2016

Arising Out of PS.Case No. -13 Year- 2015 Thana -AKBARPUR District- NAWADA

- =====
1. Ano Devi Wife of Siyaram Chauhan
2. Kari Devi D/o Siyaram Chauhan Both resident of Village- Barail, PS Akbarpur, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mr. T.P.Mandal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code. Later on Section 302 of the IPC was also added.

The prosecution case is that the father of the informant, Somari Chouhan, was assaulted by co-accused Siyaram Chouhan and Badri Chouhan with Khanti on his head as a result of which he fell down thereafter co-accused Dularchand Chouhan, Ano Devi, petitioner No.1, and co-accused, Radhika Devi, assaulted on the hands and leg of the father of the informant. It is further alleged that the accused persons also assaulted the mother and sister of the

informant when they came to rescue.

It is submitted by the learned counsel for the petitioners that one injury has been found on the parietal region of the informant's father and that has been opined to be the cause of death by the doctor though one abrasion below the knee has also been found but the same not been found to be cause of death. The prosecution case is not being corroborated by post mortem report as two persons alleged to have assaulted on head but only one injury has been found whereas three persons assaulted the sister of the informant but one abrasion has been found. Hence, the injury, found as the cause of death, was not caused by the petitioners. There is counter version of the occurrence and for the occurrence of 24.01.2015 the FIR was registered on 27.01.2015 whereas injury of the sister of the informant has been found to be simple.

Considering the fact that accusation is omnibus and general against the petitioners, they being ladies and specific accusation of assault is against Siyaram Chouhan and Badri Chouhan, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM,

Nawada in connection with Akbarpur P.S. Case No. 13 of 2015
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

(Dinesh Kumar Singh, J)

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