

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40271 of 2016

Arising Out of PS.Case No. -141 Year- 2016 Thana -BARH District- PATNA

- =====
1. Urmila Devi W/o Dinesh Chauhan
 2. Dukhni Devi W/o Ram Saran Chauhan
 3. Kanchan Devi W/o Jai Chauhan
 4. Ram Saran Chauhan S/o Late Ayodhya Chauhan All are residents of village - Khaliahachak, P.S. - Barh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Mishra
For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-11-2016 Heard both sides.

The petitioners apprehend their arrest in Barh P.S.
Case No. 141/2016, registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

The informant alleged that she went to attend the call
of nature after putting her 40 days' son by the side of Rahul
Kumar. When she returned, she saw Urmila Devi, Dukhani Devi,
Kanchan Devi and Saran Chauhan on the roof of the house.
Urmila Devi killed her son by pressing his neck.

Learned counsel for the petitioners submits that the
informant are own Gotia. No external or internal injury was found

on the person of the deceased child and there is no eye-witness of the occurrence. Since the petitioners are on inimical term with the informant on account of land dispute they have falsely been implicated in the case.

Considering the facts aforesaid and the fact that the informant alleged that Urmila Devi pressed the neck of her child and killed her 40 days' child, but the post-mortem report did not support the prosecution case and no external or internal injury was found on the deceased child, the petitioners above named 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 Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 141/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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