

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47604 of 2016

Arising Out of PS.Case No. -372 Year- 2016 Thana -FORBESGANJ District- ARRARIA

- =====
1. Babita Devi wife of Ram Kumar Mehta
 2. Archana Devi @ Anchan Devi @ Kanchan Devi, wife of Raj Kumar Mehta.
 3. Mohan Mehta son of late Haleshwar Mehta All resident of village Haripur Ward No. 12, P.S. Forbesganj, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 08-11-2016

Heard both sides.

The three petitioners herein seek anticipatory bail in connection with Forbesganj P.S. Case No. 372 of 2016 registered under Sections 147, 341,323, 325, 307, 379, 504, 506 and 326 of the IPC.

As per allegation in the First Information Report, all the accused persons armed with lathi, spade and brick bats are said to have entered into the house of the informant and thereafter assaulted the family inmates. Accused Ram Kumar Mehta assaulted the mother of the informant with spade causing head injury. Petitioner no.3 is said to have assaulted the informant with lathi causing injury on head. When other inmates came to rescue,

it is alleged, that all of them assaulted them.

Contention of the petitioners is that both the parties are agnates. The motive of false implication is reflected from the narration made in the FIR. Petitioner nos. 1 and 2 are lady members and there is general and omnibus allegation of exhorting the other accuseds and also causing some injuries to other family members.

Learned APP for the State, on the other hand, opposed the prayer and contended that specific allegation of assault to the informant is attributed to petitioner no.3.

Considering the facts and circumstances of the case, I am not persuaded to extend the privilege of anticipatory bail to the petitioner no.3, namely, Mohan Mehta. Prayer for bail is, accordingly, rejected.

So far as the petitioner nos. 1 and 2, namely, Babita Devi and Archana Devi @ Anchan Devi @ Kanchan Devi respectively are concerned, this Court is inclined to extend them the privilege of anticipatory bail. Let both the petitioners, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the

learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case no. 372 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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