

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2818 of 2016

Arising Out of PS.Case No. -60 Year- 2015 Thana -MEDANICHOWK District- LAKHISARAI

- =====
1. Rani Devi Wife of Rohit Mahto,
 2. Babita Devi, Wife of Bipin Mahto, Both resident of village - Amarpur,
P.S. - Medini Chowki, District - Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-03-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Medini Chawki P.S. Case No. 60 of 2015 registered for the
offence punishable under Section 302 and other allied Sections of
the Indian Penal Code.

The prosecution case, in brief, is that petitioners and
other accused persons armed with *lathi* and *danda* came to the
house of the informant, Chulihia Devi and started assaulting the
informant. It is further alleged that daughter of the informant, who
came there, was also assaulted by the accused persons, as a result
of which, she sustained grievous injuries, whereafter she was
taken to Sadar Hospital, Munger where during treatment, she

succumbed to the injuries.

It has been submitted by the counsel for the petitioners that petitioners are innocent, have no criminal history and have been falsely implicated in the aforesaid case. It has further been submitted that two co-accused, namely, Rohit Mahto and Bipin Mahto have surrendered and are now in custody. Furthermore, it is submitted that the allegations upon these petitioners are general and omnibus and the counsel contends that although the alleged date of occurrence is 18.08.2015, but the First Information Report has been lodged on 21.08.2015, which itself falsifies the allegations levelled against these petitioners. It is also submitted that there was a dispute between the petitioners and the informant side, as the goats of the petitioners grazed the field of the informant and, hence, these allegation have been levelled against these petitioners.

However, learned A.P.P. for the State, although opposes the prayer for bail, but submits that there is no specific allegation against these petitioners.

Be that as it may, since the co-accused, Rohit Mahto and Bipin Mahto, husband of petitioner nos. 1 and 2 respectively have surrendered, let the petitioners, named above, in the event of their arrest or surrender in the Court below within a period of eight

weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Lakhisarai in connection with Medini Chawki P.S. Case No. 60 of 2015, subject to the conditions as laid down under Section 438 (2)of the Cr.P.C.

(Nilu Agrawal, J.)

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