

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27162 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -AGIAUN BAZAR District- BHOJPUR

- =====
1. Anita Devi Daughter of Shankar Yadav
2. Sanjhari Devi Wife of Shankar Yadav Both are resident of village -
Banshi Tola (Salakhana), Police Station Agion Bazar, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the State : Mr. Sri Nawal Kishore Prasad, APP
For the Informant : Mr. Amrendra Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 17-08-2016 Heard learned counsel for the petitioners learned

counsel for the informant and learned counsel appearing on

behalf of the State.

The petitioners apprehend his arrest in connection with

Agion Bazar P.S Case No. 81 of 2015 for the offences registered

under Sections 302, 201 and 34 of the Indian Penal Code.

Diary in the present case was called for which has

since been received.

Learned counsel for the petitioners submits that

allegation is that these petitioners along with other family

members have seriously assaulted the daughter of the informant

causing her injury. It is further submitted that the allegation is

omnibus in nature and during the course of investigation, it has come on record that it was not these petitioners and their family members who had undertaken the cremation surreptitiously rather it was the father of the victim girl who had cremated her and given her *mukhagani*. The aforesaid fact is on record at para 55 of the case diary.

Learned counsel appearing on behalf of the informant has seriously resisted the matter and stated that it was on account of fight generated by the said Anita Devi, friend of the deceased victim girl that the entire occurrence took place as the victim girl had been unduly friendly with her husband which had resulted in confrontation.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that the final form is yet to be submitted and though it has come on record that the SDPO has stated it to be a mistake of fact yet subsequently, the SSP, Bhojpur, found the case to be true as such the petitioners can not be extended the privilege of anticipatory bail. Further more other co-accused persons have been granted only regular bail.

Having heard learned counsel for the parties and after considering all facts and circumstances and taking into

consideration that in the present case, the petitioner is a lady having no criminal antecedent and also because there is serious doubt in prosecution story that the petitioners had been responsible for cremation, let the petitioners above named, in the event of them 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, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Divya Jaiswal, Judicial Magistrate, Ara, in connection with Agion Bazar, P.S. Case No. 81 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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