

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22957 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -BAHERA District- DARBHANGA

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1. Lalo Devi wife of Gajendra Paswan
 2. Meera Devi wife of Bisheshwar Paswan
 3. Sheela Devi wife of Sikandar Paswan

All resident of Village Mahadah, P.S. Bahera, Dist Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate.

For the Opposite Party/s : Smt. Veena Rani Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 27-07-2016 Heard learned counsel for the petitioners, learned A.P.P. as well as learned counsel appearing on behalf of the informant.

The petitioners, namely, Lalo Devi, Meera Devi and Sheela Devi, apprehend their arrest in Bahera P.S. Case No. 59/2016 registered under Section 307 and other sections of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

Hirpul Paswan, the informant, named eight persons in the F.I.R., namely, Mahendra Paswan, Upendra Paswan, Sulindra Paswan, Sikindra Paswan, Visheshwar Paswan,



Asheshwar Paswan, Shravan Paswan and Roosh Paswan and alleged that when he went to complain about the eve-teasing of his daughter by the accused persons, all the accused persons abused and assaulted him. It is further alleged that when his nephew Manoj Paswan (the deceased), son Santosh Paswan and brother Madan Paswan came to save the informant, the accused persons also assaulted them. Learned counsel for the petitioners submits that the petitioners are ladies and they are not named in the F.I.R. Manoj Paswan died on 09.08.2016. His brother Vinod Paswan made Fardbeyan on 11.03.2016 and he named 18 persons including the petitioners. No allegation of assault is made against the petitioners but the petitioners are alleged to have thrown peeper powder in the eyes of the deceased. It is submitted that no such injury was found in the eyes of the deceased.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submitted that in Para 81 and 82 of the case diary, the independent witnesses have also stated about the participation of the petitioners in the alleged crime. Learned A.P.P. has pointed out that no such injury was found in the eyes of the deceased.

It appears that the injured informant named only eight persons and alleged that they abused and assaulted him but



the petitioners are not named in the FIR, but when Manoj Paswan died during the course of treatment, his brother Vinod Paswan named 18 persons including the petitioners in his Fardbeyan and alleged that the petitioners threw peeper powder in the eyes of Manoj Paswan (the deceased). Thereafter the deceased died. No injury in his eyes was found. It has been pointed out by learned A.P.P. that Anticipatory Bail Petition of Madan Paswan has already been rejected. It appears that the case of the petitioners is quite different from the case of Madan Paswan. The petitioners are ladies. They are not named in the F.I.R. Their names figured in the case subsequently, that too, from the mouth of Vinod Paswan (the brother of the deceased) although neither the informant Hirpul Paswan nor any other injured person, such as, Manoj Paswan, Santosh Paswan, Madan Paswan named the petitioners.

Considering the facts aforesaid and the fact that the petitioners are ladies, the above named petitioners, in the event of their arrest or surrender before the learned 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 A.C.J.M., Benipur, Darbhanga in Bahera P.S. Case No. 59/2016, subject to

the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)