

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24662 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -BELCHHI District- PATNA

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1. Chandramaula Devi @ Chandramani Devi wife of Nand Kishore Yadav
residents of Village- Dariyapur, P.S.- Belchhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Kalayan Shankar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 12-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends her arrest in connection with a
case registered for the offences punishable under Sections 302/34
of the Indian Penal Code.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits that though the
petitioner has been named in the First Information Report, there
was no role attached to her, save and except, her presence.

The allegation that she was the order giver, is also not
entirely correct as the occurrence took place on the spur of the
moment on account of heated exchange being made over plucking
of fruits which was falling in the land of the informant and against

which the informant's wife (deceased) had protested stating that it would damage her brinjal trees. Learned counsel for the petitioner submits that the main accused Veermani Yadav has also been arrested. The present petitioner had no role to play. Independent witness at paragraph No. 81, 82 and 83 has submitted that the said Veermani Yadav, in a fit of anger, had assaulted the deceased (informant's wife) to her death at the Patna Medical College and Hospital, Patna.

Learned counsel appearing on behalf of the informant however, resists the application for grant of anticipatory bail stating that it was the petitioner who had instigated her son and ordered to attack the victim lady. Such an allegation stands supported by the daughter of the victim lady as well as the father of the present informant.

Learned counsel for the State after perusal of the case diary has submitted that though such an allegation has been made against the petitioner, independent witnesses have come forth stating that Veermani Yadav, in a fit of anger, had assaulted the lady leading to her death.

Considering the facts and circumstances of the case and the materials which has surfaced in the case dairy, let the petitioner, in the event of her arrest / surrender 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Barh, Patna in connection with Belchhi P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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