

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17454 of 2016

Arising Out of PS.Case No. -60 Year- 2014 Thana -BIHPUR District- BHAGALPUR

1. Dula Devi,
2. Kari Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Pushpa Sinha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-04-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,307 and 302/34 of the Indian Penal Code.

The prosecution case is that Ashok Kumar Yadav demanded his money from Nand Kishore Mandal when Nand Kishore Mandal and his nephew Abodh Mandal assaulted with lathi to Ashok causing head injury. The mother of Ashok Yadav namely Banshi Devi came to rescue when she was also assaulted by them. The petitioners are not named in the FIR. Their names subsequently sprang up during investigation. Subsequently, Ashok Yadav succumbed to the injury.

It is submitted by the learned counsel for the petitioners that the specific accusation of assault is against Nand Kishore

Mandal and Abodh Mandal. The petitioners were not named in the FIR and subsequently their names sprang up during investigation. There is counter version of the occurrence. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the FIR stipulates specific accusation of assault against co accused Nand Kishore Mandal and Abodh Mandal and the petitioners having no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM- II, Naugachia (Bhagalpur), in connection with Bihpur P.S. Case No.60 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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