

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51262 of 2017

Arising Out of PS.Case No. -199 Year- 2017 Thana -SIRDALA District- NAWADA

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1. Abita Devi, Wife of Kuber Prasad,
2. Dauli Devi, Wife of Morhawa @ Mordhwaj Prasad, Both resident of
Village- Chamotha, Police Station- Sirdala, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1

For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-12-2017

Heard the counsels for the parties.

The petitioners seek bail in connection with Sirdala P.S. Case No. 199 of 2017 dated 14.08.2017 initially instituted for the offences under Sections 341, 323, 504, 506, 379, 307 and 34 of the Indian Penal Code but later, with the death of the deceased, Section 302 of the Indian Penal Code was also added.

It has been alleged in the FIR that Kuber Prasad, Mordhwaj Prasad and Janmaijay Prasad, all uncles of the informant, dashed the father of the informant (deceased) on the ground. When a hue and cry was raised, the informant went to the place of occurrence and saw that the petitioners who are the wives of Kuber Prasad and Mordhwaj Prasad were assaulting the deceased by means of bricks on his neck. The deceased died in the



course of the treatment.

Learned counsel for the petitioners has submitted that an absolutely false case has been instituted against the petitioners and others, which would be evident from the further statement of the informant. It has further been submitted that there is a property dispute between the parties and the land for which the occurrence took place has been purchased in the name of the petitioners and the aforesaid land also stands mutated in their names.

The petitioners have a different story to narrate about the cause of death of the deceased. It has been submitted that while the deceased who was 85 years of age, was coming back home, he fell down and was injured. Taking advantage of the injuries on his person and death, the present case has been lodged. The entire family members of the petitioners are said to have made accused in the present case.

Regard being had to the fact that the injuries suffered by the deceased are not in consonance with the ocular testimony and the petitioners being ladies are in custody since 19.08.2017, this Court is inclined to grant bail to them.

In the facts and circumstances, the petitioners above named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Nawada in connection with Sirdala P.S.
Case No. 199 of 2017.

(Ashutosh Kumar, J)

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