

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1291 of 2017

Arising Out of PS.Case No. -25 Year- 2016 Thana -KANHAULI District- SITAMARHI

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1. Gopal Purvey, Son of Sikander Purwe @ Sikander Purbey,
2. Subhagiya Devi, Wife of Sikander Purwe @ Sikander Purbey, resident
of village - Fulkaha, Police Station Kanhauli, District - Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Dharendra Pratap Singh, Advocate.

For the Opposite Party : Ms. Madhuri Lata, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-03-2017 Heard both sides.

The petitioners apprehend their arrest in Kanhauli P.S.
Case No. 25 of 2016 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

Jaipati Devi the widow of the deceased Arvind Purwe
alleged that Sikander Purwe, Gopal Purvey petitioner no. 1, Sushil
Kumar and Subhagiya Devi, petitioner no. 2 abused her husband.
Sikander Purwe and Gopal Purvey, petitioner no. 1 caught hold of
the husband of the informant and Sushil Kumar inflicted dagger
blow in the abdomen of Arvind Purwe. The informant further
alleged that Subhagiya Devi, petitioner no. 2 snatched her golden
locket from her neck.

Learned counsel for the petitioners submits that the



deceased Arvind Purwe happens to be brother of Sikander Purwe. The petitioners have falsely been implicated in the case. The petitioner no. 1, of course, is alleged to have caught Arvind Purwe, but there is no allegation of even touching of the body of the deceased against Subhagiya Devi, petitioner no. 2.

It appears that there is no allegation of touching the body of the deceased Arvind Purwe against Subhagiya Devi, petitioner no. 2 and the deceased Arvind Purwe happens to be brother of Sikander Purwe. Gopal Purvey, petitioner no. 1 and Sushil Kumar are nephew of the deceased Arvind Purwe. There is land dispute between the parties.

Considering the facts aforesaid and the fact that there is no allegation of touching the body of the deceased against Subhagiya Devi, petitioner no. 2 who is a lady, she, in the event of her 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, is directed to 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 the Chief Judicial Magistrate, Sitamarhi in Kanhauli P.S. Case No. 25 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.



So far as the case of Gopal Purvey, petitioner no. 1 is concerned, there is allegation against him that he caught the deceased along with Sikander Purwe and only thereafter Sushil Kumar gave repeated dagger blow in the abdomen of Arvind Purwe causing death on the spot, I am not inclined to enlarge the petitioner no. 1 Gopal Purvey on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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