

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28031 of 2017

Arising Out of PS.Case No. -214 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

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1. Indu Devi, W/o Sudhist Bhagat, Resident of Village- Khaira, Ward No.- 13 O.P., Jaintpur, P.S.- Saraiye, District- Muzaffarpur.
 2. Basawan Bhagat, Son of Sudhist Bhagat, Resident of Village- Khaira, Ward No.- 13 O.P., Jaintpur, P.S.- Saraiye, District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Kalyan Shankar, Advocate.

For the Opposite Party : Smt. Veena Kumari Jaiswal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Saraiya P.S. Case No. 214 of 2015 for the offences instituted under Sections 302, 328, 211, 323 and 504/34 of the IPC.

The prosecution story, in brief, is that on the date of occurrence, there was a panchayati between the complainant and accused Sudist Bhagat. Accused Sudist has not obeyed the order of Panches. During panchayati, some altercation took place between the complainant and accused persons. Accused persons started to assault the complainant. Then after hearing hue and cry,



the wife of the complainant, namely, Soni Devi, came there. Then all the accused persons assaulted badly her. The daughter of Sudist Bhagat, namely, Kanchan Devi, also bit by teeth to the wife of the complainant. The wife of the complainant, namely, Soni Devi, after assault became senseless and her body became pale. Later on, during treatment she died on 28.08.2013.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The alleged occurrence is said to have taken place on 28.08.2013. The complaint was filed on 03.03.2015. Delay has not been explained by the prosecution. The petitioner no. 1 is a lady.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Saraiya P.S. Case No. 214/2015 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 S.D.J.M., West Muzaffarpur, subject to the



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

(Sudhir Singh, J)

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