

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34259 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -MOHAMMADPUR District- GOPALGANJ

- =====
1. Durgawati Devi, Wife of Suresh Manjhi @ Suresh Kumar Manjhi.
 2. Suresh Manjhi @ Suresh Kumar Manjhi. Son of Chhathulal Manjhi @ Late Chhathu Manjhi.
 3. Punam Devi, wife of Binod Manjhi.
 4. Laljhari Devi, Wife of Late Chhathulal Manjhi.
- All resident of Village Mangalpur, P.S. Mohammadpur, District-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 19-08-2017 At the very outset, learned counsel for the petitioners submits that the petitioner no.2, above named, has already been arrested in the case and seeks permission to withdraw this application in his respect.

Permission is accorded.

This application in respect of the petitioner no.2, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 3 and 4, above named, for grant of anticipatory bail to them is being considered.



Heard.

The petitioner nos.1, 3 and 4, above named, apprehend their arrest in connection with Mohammadpur P.S. Case No.05 of 2017 registered under Sections 341, 323, 324, 316 and 504/34 of the Indian Penal Code.

The accusation is that on 25.01.2017 at about 08.00 A.M. in the morning, petitioner no.1 Durgawati Devi, petitioner no.3 Punam Devi, petitioner no.4 Laljhari Devi, Murti Devi, Ramnath Manjhi and Suresh Manjhi assaulted the informant Basanti Devi. When Rita Devi, the daughter of the informant, who was pregnant, rushed to save the informant, then all caused injury to Rita Devi, the daughter of the informant, through lathi, fists and slaps due to which she sustained injury. Later on, the delivery pain to Rita Devi, the daughter of the informant, was started and she was rushed to Primary Health Centre, Vidhwa Dibauli, Baikunthpur, where she gave birth to a male child. On 27.01.2017, the informant and her daughter Rita Devi returned to the house. All of sudden, the newly born male baby became ill and he was taken to the doctor for treatment but he died on the way. The cause of occurrence is of putting the cattle's peg.

It has been submitted on behalf of the petitioner nos.1, 3 and 4, above named, that they are ladies and due to grudge, they



have falsely been implicated in this case alongwith their male family members. Further submission is that no injury was found on the person of the informant or her daughter Rita Devi. In fact, Rita Devi, the daughter of the informant, who was pregnant, had come to her Mayka for delivery and she gave birth to a male baby at the hospital and returned back to her house but due to premature delivery, the condition of the newly born male baby became serious and he died but, later on, it is alleged that he died due to the injury caused to her mother. Moreover, no specific overt act is attributed to the petitioner nos.1, 3 and 4, above named.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 3 and 4, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj, in connection with Mohammadpur P.S. Case No.05 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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