

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28869 of 2017

Arising Out of PS.Case No. -308 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Fulo Devi , W/o Late Abhay Narayan Yadav,

2. Sikali Devi, Daughter of late Abhay Narayan Yadav

Both resident of Village- Radhyam, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate

For the State : Mrs. Pranoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Bahera P.S. Case No. 308 of 2015 dated 18.06.2015 instituted under
Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioners and two others is
of assault with kicks, fists and slaps on the sister of the informant
leading to her death.

4. Learned counsel for the petitioners submitted that as
per the fardbeyan itself there used to be frequent verbal tiff between



the parties on account of grazing of cattle, as the sister of the informant was neighbour of the petitioner. It was submitted that from the allegation itself it is clear that the tiffs were minor in nature and only with exchange of abusive words and the allegation that the petitioner along with two others had on the fateful night entered into the house of the informant and strangled the sister stands completely falsified for the reason that in the postmortem report, no internal or external injury on the abdomen or any part of the body, including neck, has been found and due to discolouring of nails, the viscera has been sent for examination. It was submitted that cause of death was something else which may indicate even poisoning and to cover up their own misdeeds, the petitioners have been falsely implicated. It was further submitted that the petitioners have no criminal antecedent and are ladies.

5. Learned A.P.P. submitted that the report of the viscera is still awaited. However, she is not in a position to controvert the fact that the postmortem report clearly indicates no internal or external injury, including that on the neck.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of



Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in Bahera P.S. Case No. 308 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

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