

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30333 of 2016

Arising Out of PS.Case No. -13 Year- 2015 Thana -BHADWAR District- GAYA

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1. Kapila Devi, wife of Ram varan Chaudhary.
2. Ram Varan Chaudhary, son of Late Nemdhari Chaudhary. Both are residents of village- Barwadih, Police Station - Bhadwar, District-Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-01-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are languishing in custody since 19.04.2016 in connection with Bhadwar P.S. Case No. 13 of 2015 for the offences instituted under Sections 302, 120(B) of the IPC and 3/4 of Prevention of Witch Act.

The prosecution, in brief, is that the Chaukidar received confidential information by the villagers on 13.09.2015. In Village Barwadih, a daughter-in-law, namely, Kapila Devi killed a lady. On the information, he reached at the place of occurrence at Village-Bhadwar nearby people said Kapila Devi killed the lady Kaili Devi. Ram Varan Chaudhary also alleged allegation witch,



always assaulted her for share. The deceased Kaili Devi did not live in her house. Kapila Devi and Ram Varan Chaudhary killed Kaili Devi. Kapila Devi's son Bablu Kumar and Kapila Devi killed her Dadi.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 19.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The informant is not an eye witness to the alleged occurrence. As far as petitioner no. 2, Ram Varan Chaudhary is concerned, he was not present on the alleged date of occurrence.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and allegation of assault upon the deceased has been made against the petitioners. The witnesses in paragraph nos. 8, 9, 12 and 19 of the case diary have supported the allegations made in the F.I.R. The said witnesses are eye witnesses to the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, Ram Varan Chaudhary, be released 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 learned



J.M. Ist Class, Sherghati, Gaya, in connection with Bhadwar P.S.
Case No. 13 of 2015.

As far as petitioner no. 1, Kapila Devi is concerned, I am not inclined to grant bail to her. The same is rejected in Bhadwar P.S. Case No. 13/2015, pending in the court of the learned J.M. Ist Class, Sherghati, Gaya. Anyhow, the court below is directed to take all necessary steps to expedite the trial.

It is expected that the petitioner no. 2 Ram Varan Chaudhary shall co-operate during the trial. If he fails to co-operate during the trial the court below will be at liberty to cancel his bail bond.

U.K./-

(Sudhir Singh, J)

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