

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 17228 of 2017

Arising Out of PS.Case No. -144 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Pramila Devi, Wife of Kailash Mahton
2. Kailash Mahton, Son of Late Ram Sagar Mahton,
Both R/o Villlage- Mahna Ward No. 7, P.S.- Refinery, O.P. (Barauni),
District- Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 07-07-2017 Heard Sri Manoj Kumar, learned counsel for the
petitioners and learned Addl. Public Prosecutor.

Two petitioners, who are wife and husband
respectively have approached this court for extending the privilege
of anticipatory bail in Barauni Refinery O.P. Case No. 144 of
2016 registered for the offence under Sections 341, 323, 307, 504,
506 and 34 of the Indian Penal Code.

By way of referring to F.I.R., learned counsel for
petitioners submits that it is evident that on trivial issue, a dispute
arose and occurrence had taken place. He submits that dispute was
in between children, but it has been alleged that petitioner no. 1 in
the occurrence had given *lathi* blow on the head of the son of the



informant. He submits that in any event, it was not a case of Section 307 of the Indian Penal Code, since neither the injury was sufficient nor it was caused with intent to kill. However, he submits that the petitioner no. 1, against whom there is allegation of giving blow for *lathi*, is a lady and so far as petitioner no. 2, there is no accusation, save & except, he was present at the time of occurrence.

Considering the nature of accusation as well as the fact that allegation is only against petitioner no. 1, who is lady and the fact that petitioners are having clean antecedent, there is no reason to refuse the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Pramila Devi and Kailash Mahton be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni Refinery O.P. Case No. 144 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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