

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37666 of 2018

Arising Out of PS. Case No.-91 Year-2018 Thana- CHAINPUR District- Bhabhua (Kaimur)

1. Parwati Devi, W/o Bhola Nonia,
2. Meera Devi
3. Anjani Devi Both W/o Osier Nonia, All R/o Vill.- Masoi, P.S.- Chaninpur, District at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,324,307,302 and 504/34 of the IPC.

The prosecution case as per the Fardbeyan of Mithilesh Nonia recorded by the S.I., Chainpur Police station on 22.4.2018 at 12.45 P.M. at Sadar Hospital, Bhabhua is to the effect that on the same day at 6 A.M. the father of the informant namely Shankar Nonia went outside to ease out and found that on the disputed land co-accused Bhola Nonia, Osier Nonia, Pankaj Nonia and Neeraj Nonia are clipping the palm tree. On protest being made, co-accused Bhola Nonia assaulted the father of the informant with Fasuli, as a result, father of the informant



got unconscious and fell down. When the informant reached to the place of occurrence then he was also assaulted. When the informant's brother namely Hanuman Nonia and the wife of the informant Sonu Nonia came to rescue then aforesaid four persons, namely, co-accused Bhola Nonia, Osier Nonia, Pankaj Nonia and Neeraj Nonia and the petitioner no. 1 Parvati Devi and petitioner nos. 2 and 3, wives of Osier Nonia assaulted the informant's brother and his wife. Consequently, the father of the informant was taken to the hospital where he was declared dead.

It is submitted by learned counsel for the petitioners that there is no accusation against the petitioners to have assaulted the father of the informant. The petitioners are alleged to have assaulted the brother of the informant and wife of the informant. Statement has been made in paragraph 10 of the petition that there is no injury report of brother and wife of the informant which reads as follows:

“That more so there is no injuries report of the Hanuman Nonia and Renu Devi wife of the informant in support of the allegation of their assaulting.”

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that apart from the



aforementioned statement in paragraph 10 of the petition, the impugned order also does not suggest any injury being caused to any one coupled with the fact that petitioners are ladies and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM-II, Kaimur at Bhabua in connection with Chainpur P.S. Case No.91 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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