

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59735 of 2018

Arising Out of PS. Case No.-24 Year-2016 Thana- ANDHRAMATH District- Madhubani

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1. Mohan Ram, S/o Bhagwan Ram,
 2. Mahendra Ram, S/o Bhagwan Ram,
 3. Deo Chandra Ram, S/o Late Sakhichandra Ram,
 4. Surya Naraya Ram, S/o Kamal Ram,
- All R/o Vill.- Kushmahi, P.S.- Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Sri Kumar Virendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,323,341,504 of the Indian Penal Code. Subsequently, 302 of the I.P.C. was also added.

The prosecution case got initiated on the basis of written report dated 30.03.2016 submitted by Tunath Ram to the Station House Officer, Andhramath Police Station, to the effect that on 03.03.2016 at 7.00 A.M., the wife of the informant, Geniya Devi went to take water from the Government hand-pump. In the meantime, 10 accused persons, including the petitioners,



assaulted her with fists and slaps. They also dragged the wife of the informant on the ground, due to which she felt unconscious. It is also alleged that when the informant and his son went to rescue her, the accused persons assaulted them indiscriminately. Subsequently, the wife of the informant died on 02.04.2016.

It is submitted by learned counsel for the petitioners that for the occurrence of 03.03.2016, the written report was submitted on 30.03.2016 i.e. 27 days after the occurrence. The post - mortem report does not reflect any external injury and the cause of death has been opined by the doctor as cardiac arrest. On conclusion of investigation, the petitioners were not sent up for trial, but differing with the final form, the cognizance has been taken against the petitioners also. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation.

Considering the delayed lodging of the FIR, the accusation being not corroborated by the medical opinion and on conclusion of investigation, the petitioners were not sent up for trial, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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-III, Jhanjharpur, Madhubani, in connection with Andhramath P.S. Case No.24 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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