

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43045 of 2018

=====

1. Arti Kumari, daughter of Ramjatan Sahni,
2. Kajal Kumari @ Pushpa Kumari daughter of Ramjatan Sahni,
Both residents of vilalge- Parihara, P.S.- Bakhari, (Parihara O.P.),
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party : Mr. Pawan Kumar Singh, Advocate

For the State : Smt. Veena Kumari Jaiswal, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with
Bakhari P.S. Case No.72 of 2018 registered under Sections 341,
323, 324, 325, 307 and 379/34 of the Indian Penal Code and
Section 27 of the Arms Act.

It is submitted by the learned counsel for the petitioners
that though the case was initially registered inter alia under
Section 307 of the Indian Penal Code, since one of the injured
Maya Devi died in course of treatment Section 302 of the Indian
Penal Code was subsequently added to the FIR. It is contended
that in course of investigation statement of several witnesses were
recorded. As far as the petitioners are concerned, there is no



specific allegation that they also participated in assault upon the deceased Maya Devi. It is further contended that the petitioners are own sisters and have got no criminal antecedent.

On the other hand, learned counsel for the State being assisted by the learned counsel for the informant submitted that as far as petitioner no.2 Kajal Kumari @ Pushpa Kumari is concerned, the witnesses examined in course of investigation have not made any allegation of overt act against her to the deceased Maya Devi, but two witnesses whose statements have been recorded in paragraphs 7 and 57 of the case diary have categorically asserted that Arti Kumari was one of the assailants of the deceased.

Having regard to the submissions made above, in the event of arrest or surrender in the court below within six weeks from today, the petitioner no.2 Kajal Kumari @ Pushpa Kumari is directed to 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 learned Additional Chief Judicial Magistrate-V, Begusarai, in connection with Bakhari P.S. Case No.72 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner no.1 Arti Kumari is concerned, I am



not inclined to grant her pre-arrest bail. Accordingly, her prayer for grant of pre-arrest bail is rejected.

In case she surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--

