

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39992 of 2018

Arising Out of PS. Case No.-95 Year-2018 Thana- GAYA KOTWALI District- Gaya

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1. Bachi Devi, Wife of Madari Yadav,
 2. Guriya Devi, Wife of Dhannu Yadav,
 3. Parwati Devi, Wife of Shankar Yadav, All are resident of Village- Moh Bangla Asthan, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-08-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Kotwali P.S. case no. 95 of 2018 instituted for the offence under Section(s) 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that all these petitioners are ladies. They have clean antecedents. There is no allegation of specific overt act against them in the written report. There is specific allegation against the six accused persons named in the written report, who have assaulted the husband of the informant. In the written report informant has not taken the name of these petitioners in assaulting her



husband.

In the F.I.R. it is alleged against these petitioners that they assaulted the informant but there is no any injury report of the informant available in the case diary.

Learned counsel for the informant has appeared and opposed the prayer for bail. He has submitted that at paragraph nos. 72, 73, 74 and 95 of the case diary some of the witnesses have taken the name of these petitioners in the case diary. Learned counsel for the informant has initially submitted that process under Sections 82 and 83 Cr. P.C. has already been issued and executed against these petitioners. Learned counsel for the petitioner has handed over copy of the entire up-to-date order sheets of the learned Court below during hearing of the bail petition which is taken on record, wherein, it is mentioned that no process under Sections 82 and 83 Cr. P.C. has been issued against them. This fact has not been controverted by the learned counsel for the informant.

Case diary has been received. Learned APP for the State after perusing the case diary has submitted that name of these petitioners were also added later on besides all the other accused persons who are named in the F.I.R. These petitioners are ladies. There is no allegation of specific overt act against them in the



written report.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Kotwali P.S. case no. 95 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Gaya, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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