

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2503 of 2018

Arising out of PS.Case No. -355 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Lalmati Devi, wife of Hiranman Ram,
 2. Shatrudhan Ram, son of Hiranman Ram, Both are resident of Village-
Gahiri Kothi, Police Station- Nautan, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2018 Heard the learned counsel for the petitioners and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Nautan P.S. Case No. 355 of 2016 registered for the offence punishable under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch Practices Act, 1999.

The allegation is regarding inflicting Bhala blow on the informant's face as well as the accused persons assaulting the informant by various means. It is alleged that the petitioner no. 2 is the main accused and there is allegation of inflicting Bhala blow on the face of the informant as is also apparent from the order of this Court granting anticipatory bail to the father of the petitioner no. 2 which is dated 10.11.2017, said to have been passed in



Criminal Misc. No. 48618 of 2017.

The learned counsel for the petitioners submits that as far as the petitioner no. 1 is concerned, the injury report does not corroborate the allegation of any overt act as against him, hence she may be enlarged on anticipatory bail. As regards the petitioner no. 2, the learned counsel for the petitioners submits that the petitioner no. 2 is willing to withdraw the present petition with a liberty to surrender before the court below to apply for regular bail.

Having regard to the facts and circumstances of the case, I am of the opinion that as far as petitioner no. 1 is concerned, she deserves the privilege of anticipatory bail.

Accordingly, it is directed to enlarge the petitioner no. 1, namely, Lalmati Devi on anticipatory bail in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned VIth Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 355 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



As far as petitioner no. 2 is concerned, his petition for anticipatory bail is disposed of as withdrawn. However, he is granted liberty to surrender before the court below within four weeks from today and the learned trial court shall consider the prayer of the petitioner no. 2 for grant of regular bail and dispose off it on the same day considering the fact that the other co-accused persons have been granted anticipatory bail and the fact that the role assigned to the petitioner no. 2 in the FIR does not corroborate with the injury report.

The present petition as far as the petitioner no. 1 is concerned, is allowed, however, as far as the petitioner no. 2 is concerned, the same is disposed off as withdrawn with the aforesaid observations.

(Mohit Kumar Shah, J)

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