

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70294 of 2018

Arising Out of PS. Case No.-108 Year-2014 Thana- GAUNAHA District- West Champaran

1. Krishnawati Devi W/o Shashibhushan Chaurasiya,
2. Prabhawati Devi W/o Krishana Prasad @ Dharmendra Prasad Chaurasiya Both are Resident of Village- Srirampur, P.S. Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-12-2018

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Gaunaha P.S Case No. 108 of 2014 (Tr.No.2667/2017/2307/18), disclosing offences under Sections 148, 149, 341, 323, 324, 427, 307, 379, 504 of the Indian Penal Code and later on Section 302 of IPC was added.

The petitioners are ladies. Members of the same family have been made accused, including the female members. The occurrence appears to have taken place allegedly because the main accused Shashi Bhushn had strayed his cows in the field of the informant which were driven away by the informant. The occurrence is said to have taken place over the said dispute



leading to the death of the deceased. The police, upon completion of investigation, submitted the charge-sheet against some of the accused persons, but found the allegation against these petitioners not to be true. The court below, however, differing with the police report, has summoned these petitioners also after taking cognizance.

Learned counsel, appearing on behalf of the petitioners, has submitted that, over and above, the vague allegation that these petitioners have also assaulted the deceased with *lathi(s)*, there is no specific allegation of any other overt act against them.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail.

However, since the police report has already been submitted and, according to the police, no case against these petitioners has been found to be made made out, a case for grant of anticipatory bail is made out. Accordingly, this application is allowed. Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned S.D.J.M., Bettiah,



West Champaran in Tr. No. 2667/17/2307/18 arising out of Gaunaha P.S. Case No. 108 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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