

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70975 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- GOVINDGANJ District- East Champaran

1. Savitri Devi @ Sivitri Devi, W/o Late Umashanker Mishra
2. Manju Devi W/o Sailesh Mishra @ Deepak Mishra
3. Nupur Kumari D/o Shailesh Mishra @ Deepak Mishra
4. Raja Babu @ Raja Mishra @ Avinash Kumar Mishra S/o Shailesh Mishra @ Deepak Mishra All are Resident of Village-Babu Tola Malahi, P.S. Govindganj (Malahi), Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mr. Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners, being the mother-in-law, sister-in-law (Gotni), niece and nephew of the informant, are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 325, 379, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Sangeeta Devi dated 22.03.2018 submitted to the Camp Incharge, Sadar Hospital, Motihari is to the effect that in 2003



the informant was married with Pankaj Mishra and subsequently, they were blessed with three children. After some time, the informant came to know that her husband is having illicit relationship with his sister-in-law, Manju Devi. On protest being made, the relationship turned sour, leading to filing of matrimonial suit. Subsequently, the informant was assaulted by the in-laws, leading to registration of Malahi P.S. Case No. 94 of 2017. The in-laws also filed case being Malahi P.S. Case No. 232 of 2017 which on conclusion of investigation was found false. Thereafter, the informant lodged another criminal case being Malahi P.S. Case No. 270 of 2017. It is alleged that on the date of the occurrence co-accused Deepak Mishra assaulted the informant with axe and thereafter, she was assaulted by Nupur Kumari, petitioner no. 3, with iron rod, when the daughter of the informant, Kriti Kumari came to rescue, petitioner no.2, Manju Devi and petitioner no.4, Raja Babu assaulted with Fasuli and Lorhi. Thereafter, the accused persons took away articles from the house of the informant and when the informant protested, petitioner no.4, Raja Babu assaulted with Fasuli on the head of the informant, as a result she became unconscious. The injury report reflects that the injury on the head of the informant has been found to be grievous.



It is submitted by learned counsel for the petitioners that the specific accusation of assault is against co-accused Deepak Mishra and the accusation does not get corroborated with the medical opinion, since only one injury has been found to be grievous.

Learned APP submits that there is specific accusation of assault against petitioner nos. 2,3 & 4 namely, Manju Devi, Nupur Kumari and Raja Babu.

Considering the fact that the accusation of assault is being partially corroborated by the medical opinion and accusation of assaulting with Fasuli is against petitioner no.4, Raja Babu and the injury has been found to be grievous, this Court is not inclined to grant anticipatory bail to petitioner no.4, Raja Babu. Accordingly, the prayer for anticipatory bail of petitioner no.4, Raja Bubu is rejected.

So far as petitioner nos. 1, 2 and 3 are concerned, since accusation against them does not get corroborated by medical opinion, let the above named petitioner nos. 1, 2 and 3 be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-Ist, East Champaran at Motihari in
connection with Govindganj (Malahi) P.S. Case No. 63 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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