

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25028 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

1. SHOBHA DEVI, aged about 25 years, Female, Wife of Jitendra Prasad, Resident of Village- Shankarpur Tola, P.S.- Bhagwanpur Hatt, District- Siwan.
2. Nisha Devi @ Sabita, aged about 22 years, Male, Devi Wife of Dharmendra Prasad, Resident of village- Shankarpur Tola, P.S.- Bhagwanpur Hatt, District- Siwan ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Mukesh Kumar Singh, Adv.
For the State	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Maheshwar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 05-08-2019 Heard learned counsel for the petitioners, the learned counsel for the informant and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bhagwanpur Hatt P.S. Case No. 266 of 2018 for the offences alleged under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

The accusation is that at about 09.00 a.m. on 11.12.2018, informant, Dharam Sheela Devi, along with father-in-law, Kamla Prasad, brother-in-law, Anup Kumar, cousin father-in-law, Rameshwar Prasad, were present for sowing mustard in the field, all of a sudden Jitendra Kumar,



Dharmendra Kumar, both sons of Krishna Prasad, Shobha Devi (petitioner no. 1), Nisha Devi (petitioner no. 2) and Phool Kumari, having spade, iron rod in their hands came there and all started to cause assault to Kamla Prasad, father-in-law of the informant, and caused injury at his head. Anup Kumar rushed to save, he, as well as cousin father-in-law of the informant, were also assaulted, who received injury at their head. When informant rushed there, she was also assaulted through fists and slaps. On raising alarm the villagers rushed, thereafter, Kamla Prasad, father-in-law of the informant, was rushed for treatment at Hospital from where he was referred to Patna Medical College and Hospital where he died in course of treatment.

Learned counsel appearing for the petitioners submits that both the petitioners are lady, having no criminal antecedent. In fact, due to land dispute occurrence of marpeet took place in which male members of the petitioners family were involved, but, with ulterior motive both the petitioners and one Phool Kumari, who died due to cancer, implicated in this case. Further submission is that Jitendra Kumar, Dharmendra Kumar and Krishna Prasad are in custody.

Learned Additional Public Prosecutor for the State as well as the learned counsel for the informant opposed the prayer



for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bhagwanpur Hatt P.S. Case No. 266 of 2018 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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