

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40422 of 2019

Arising Out of PS. Case No.-267 Year-2018 Thana- CHIRAIYA District- East Champaran

1. RAMKALI DEVI Wife of Allah Mahto Resident of Village- Kolasi, P.S. Chiraiya, District- East Champaran.
2. Allah Mahto Son of Late Sevak Mahto Resident of Village- Kolasi, P.S. Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 03-07-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302 IPC registered in connection with Chiraiya P.S. Case No. 267 of 2018.

3. It is submitted that the petitioners have been falsely implicated and in any event the only accusation against the petitioner no. 1 along with other co-accused is of hitting the informant's daughter with fists and kicks. Thereafter it has been alleged that the petitioner no. 2 along with his wife Indu Devi picked up the informant's daughter and in turn threw her to the ground resulting in her becoming unconscious and subsequent death. It is therefore, submitted that the alleged accusation is not made out against the petitioner no. 1. The petitioners claim clean antecedents.

4. Having regard to the nature of accusations, gravity of offence alleged and the specific accusation against the petitioner no. 2, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no.2. The anticipatory bail petition as against petitioner no. 2 stands dismissed.



5. Considering that the petitioner no. 1 is a lady and the accusation of assault is general and omnibus against her and other accused, in the event of arrest or surrender by petitioner no. 1 before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 1 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Sikrahana, Dhaka, District East Champaran, in connection with Chiraiya P.S. Case No. 267 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner no. 1.
- ii. That the petitioner no. 1 shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner no. 1 shall co-operate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner no. 1 shall be well represented remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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