

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44663 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- NAVINAGAR District- Aurangabad

1. CHINTA DEVI Wife of Avilakh Yadav Resident of Village - Mahuwan, P.S.- Nabinagar (Bedam O.P), Distt - Aurangabad.
2. Dharmashila Devi D/o Avilakh Yadav Resident of Village - Mahuwan, P.S.- Nabinagar (Bedam O.P), Distt - Aurangabad.
3. Kajal Kumari D/o Avilakh Yadav Resident of Village - Mahuwan, P.S.- Nabinagar (Bedam O.P), Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-07-2019 Learned Counsel for the petitioners, at the very outset, submits that the petitioner no. 1, Chinta Devi, has been arrested during the pendency of this application and this application, so far as petitioner no. 1 is concerned, has become infructuous.

Accordingly, this application, so far as petitioner no. 1, Chinta Devi, is concerned, is dismissed as having become infructuous.

Heard learned Counsel for the petitioner no. 2 and 3 and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Nabinagar (Badem O.P.) Police Station Case No.



93 of 2019, disclosing offences under Sections 341/323/324/325/307/354/504/506/379/34 of the Indian Penal Code and Sections 3/4 of the Prevention of Witch Practices Act.

The allegation against the petitioners is that the accused persons assaulted the informant, his mother, and Chhotu Kumar, with iron-rod and lathi, causing injuries on the head of the informant's mother and Chhotu Kumar.

Learned Counsel for the petitioners submits that both, the petitioners and the informant, are related to each other and there is case and counter case inasmuch as the husband of petitioner no. 1 has lodged Nabinagar (Badem O.P.) Police Station Case No. 111 of 2019 for the same incident, which has taken place on 29.03.2019. He submits that there is no specific allegation against petitioners 2 and 3, who are unmarried daughter of petitioner no. 1.

After having heard learned Counsel for the parties and taking into consideration the fact that the informant's side and the petitioners are related to each other and the informant is the nephew of petitioner no. 1 and petitioners 2 and 3 are unmarried daughters of petitioner no. 1, I am inclined to grant privilege of anticipatory bail to petitioner nos. 2 and 3.

Accordingly, this application, with regard to the



petitioner nos. 2 and 3 are concerned, is allowed.

Let the petitioner nos. 2 and 3, namely, Dharamshila Devi and Kajal Kumari, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Aurangabad, in connection with Nabinagar (Badem O.P.) Police Station Case No. 93 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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