

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47961 of 2019

Arising Out of PS. Case No.-104 Year-2019 Thana- CHOUTARWA District- West
Champaran

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1. VISHWANATH BAITHA, Son of Late Sanhu Baitha, Resident of Village-
Hardi Nadwa, Police Station- Chautarwa, District- West Champaran
(Bettiah).
 2. Dukhni Devi @ Dukhani Devi, Wife of Vishwanath Baitha, Resident of
Village- Hardi Nadwa, Police Station- Chautarwa, District- West Champaran
(Bettiah).
 3. Sarali Devi @ Saral Devi @ Sarli Devi, Wife of Magister Baitha, Resident
of Village- Hardi Nadwa, Police Station- Chautarwa, District- West
Champaran (Bettiah).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 323, 324, 307, 341,
504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the fardbeyan of
Balister Baitha, recorded by S.I. Shyam Singh, Chaotawa Police
Station on 31.03.2019 at 3.00 PM at Emergency Ward, Bed
No.31, PMCH., to the effect that on the same day, the accused
persons started abusing the informant and on protest being



made, the informant was assaulted. It is specifically alleged that on the instigation of petitioner no.3, Sarali Devi, co-accused, Magister Baitha assaulted at the back of the informant with a knife. When the daughter and son of the informant, namely, Saroj Kumari and Bittu Kumar respectively came to rescue, then mother of the informant, Dukhni Devi and father, Bishwanath Baitha caught hold them whereupon petitioner no.3, assaulted the son and daughter of the informant with a knife.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. Though petitioner no.3 alleged to have assaulted the son and daughter of the informant, but the injury report of the son Bittu Kumar suggests one abrasion injury on the right palm which is simple in nature. There is a counter version of the occurrence also.

It is submitted by learned APP for the State that the accusation is specific against the petitioners.

Considering the fact that the accusation being not corroborated by the medical opinion and there being a counter version of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Bagaha, West Champaran (Bettiah) in connection with Chautarwa P.S. Case No.104 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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