

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.62020 of 2018**

Arising Out of PS. Case No.-122 Year-2018 Thana- KESARIA District- East Champaran

Savitri Devi W/o Late Veera Mahto, R/o Vill.- Naya Gaon, P.S.- Kesariya,  
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Sri Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4      08-01-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is languishing in custody since  
05.05.2018 in a case registered for the offences punishable  
under Sections 302/34 of the Indian Penal Code.

The prosecution case as per the written report of  
Prabhawati Devi submitted to the Station House Officer of  
Kesariya Police Station is to the effect that on 24.04.2018 at  
12.00 during night, the family members were sleeping. The  
sister-in-law of the informant, Sunita Devi and the daughter of  
the informant, Nitu Kumari were sleeping together. On  
25.04.2018, the informant woke up at early hours and went  
behind the house when she the found brief-case with broken



lock, upon which she suspected that theft has been committed inside her house, and as such, she went inside the house and raised alarm and tried to wake up the sister-in-law and daughter, Nitu Kumari when she found that their faces were concealed and her daughter was dead, while her sister-in-law was in an unconscious position with grievous injury, when the sister-in-law was taken to R.C. Medical Hospital for treatment. The FIR was lodged against unknown. The complicity of the petitioner surfaced, being the agnate of the informant, when some of the witnesses named this petitioner and she was arrested on 04.05.2018 and her confessional statement was recorded to the effect that she along with co-accused Sunil Sah assaulted the victim daughter of the informant and the sister-in-law, Sunita Devi with the handle of the hand pump.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute. It is further submitted that, though, the injured Sunita Devi has named this petitioner as a person who assaulted her and the daughter of the informant, but her conduct appears to be reasonable since she was examined on 25.04.2018 but the injury report does not suggest that she was unconscious, hence, there was no occasion for Sunita Devi not to disclose the complicity of the petitioner on 25.04.2018 itself. Hence, it is submitted that in the



background of land dispute the petitioner has been roped in the present case. The complicity of the petitioner has subsequently been developed since even suspicion was not raised in the FIR against the petitioner and there is no recovery from the petitioner. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that there is no eye witness to the occurrence except the victim Sunita Devi, but the medical report does not suggest that she was admitted in any hospital. It appears that she was examined as an outdoor patient and injury report does not suggest that she was unconscious on the date of her examination.

Keeping in view the disclosure of the name of the petitioner after a week of the occurrence in the background of land dispute and the petitioner being a lady, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate-XI, Motihari, East Champaran in connection with  
Kesariya P.S. Case No. 122 of 2018.

**(Dinesh Kumar Singh, J)**

DKS/-

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