

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69644 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- BEERPUR District- Begusarai

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Anita Devi @ Anita Malakar, Wife of Ranjeet Malakar, Resident of Village
Maida Babhangama, P.S. Birpur, District Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-02-2019 Heard Mr. Krishna Prasad Singh, learned senior

counsel for the petitioner, learned Additional Public Prosecutor

for the State as well as Mr. Harendra Prasad, learned counsel

appearing on behalf of the informant.

The petitioner seeks bail in Birpur P.S. Case No.38 of

2018, registered under Section 302 and other sections of the

Indian Penal Code.

The informant alleged that his son, Mohan Malakar

was returning at about 11 in the night on 20.04.2018 after taking

meal from the house of Jai Prakash Pandit and when his son

reached near the house of Ranjeet Malakar, Ranjeet Malakar, Sri

Ram Malakar, Raja Malakar, Chandan Malakar, wife of Ranjeet

Malakar, the petitioner, Ram Kishore Malakar and Shyam

Kishore Malakar caught his son and indiscriminately assaulted



him with stick, iron rod and khanti after dragging his son inside the house of Ranjeet Malakar and his son died.

Learned counsel for the petitioner submits that the petitioner is a lady and wife of Ranjeet Malakar. No specific allegation of assault is made against the petitioner. All the seven accused persons including the petitioner are alleged to have made indiscriminate assault with stick, iron rod but only four injuries are found on the body of the deceased. The doctor did not find any food in the stomach of the deceased although the deceased is said to have been coming after taking meal from the house of Jai Prakash Pandit. It is further submitted that two accused persons, namely, Ram Kishore Malakar and Shyam Kishore Malakar have been granted bail by a coordinate Bench of this Court vide order passed in Cr. Misc. No.69079 of 2018 and Cr. Misc. No.77862 of 2018. The case of the petitioner stands of better footing as that of the two accused persons as the petitioner happens to be the lady and wife of Ranjeet Malakar.

On the other hand, the learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that all the seven accused persons are alleged to have indiscriminately assaulted the deceased and the photographs show that both the



hands and legs were tied by a rope and the accused persons indiscriminately assaulted him causing his death.

Having considered the facts aforesaid, it appears that the petitioner is a lady. The petitioner is of course named in the FIR but the informant and other witnesses alleged that all the accused persons indiscriminately assaulted the deceased, son of the informant, and on the same and similar allegation, two of the accused persons, namely, Ram Kishore Malakar and Shyam Kishore Malakar, as stated above, have already been granted bail and the case of the petitioner stands exactly on the same footing.

Taking into consideration the facts aforesaid and the fact that the petitioner is a lady who is in custody since 07.05.2018, the petitioner, above named, is directed to 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 the learned A.C.J.M.-I, Begusarai in connection with Birpur P.S. Case No.38 of 2018.

(Prabhat Kumar Jha, J)

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