

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80016 of 2018

Arising Out of PS. Case No.-124 Year-2018 Thana- GOPALPUR District- West Champaran

Lalsa Devi W/o Heera Sahani R/o Village- Mahesara Malahi Tola, P.S.-
Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 124 of 2018 registered under Sections 341, 323,
324, 313, 504/34 of the Indian Penal Code and Section 3/4 of
the Prevention of Witch Craft Act.

Petitioner along with five other accused persons are
said to have assaulted on the stomach of the informant, who is
having pregnancy of eight months resultantly she gave abort to
stillborn baby.

It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no



offence. She has been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioner is not specific rather general and omnibus. Doctor examining the victim on the date of occurrence has neither found any external injury on the person of the victim nor any discharge of bleeding rather live fetus of 38-39 weeks in her womb. There is inordinate delay of four days in recording the fardbeyan and also inordinate delay of four days in lodging the FIR and again abnormal and inordinate delay of eleven days in sending the FIR to the court which creates serious doubt about the prosecution case. The petitioner has no criminal antecedent and has been languishing in custody since 27.10.2018. She happens to be lady.

On the other hand, learned APP and learned counsel for the informant opposing the bail prayer of the petitioner submitted that the petitioner and five other accused persons intentionally assaulted the informant on her womb having pregnancy of eight months resultantly she gave abort to stillborn baby.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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
C.J.M. Bettiah, West Champaran in connection with Gopalpur
P.S. Case No. 124 of 2018.

(Prakash Chandra Jaiswal, J)

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