

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5825 of 2020**

Arising Out of PS. Case No.-274 Year-2019 Thana- PATAHI District- East Champaran

1. KHUSHI KUMARI @ PARGATI KUMARI D/o Krishna Bihari Singh Resident of Village- Patahi, P.S.- Patahi, Distt- East Champaran, Motihari.
2. Uttam Kumar @ Satyam Kumar S/o Krishna Bihari Singh Resident of Village- Patahi, P.S.- Patahi, Distt- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

- 3 27-08-2020 Heard learned counsel for the petitioners and Mr. Pramod Kumar Pandey, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Patahi P.S. Case No.274/2019 registered for the offences punishable under Sections 323, 324, 341, 325 and 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that it is a case of false and over implication inasmuch as the entire family has been made accused including petitioner no.1 who is an unmarried girl aged about 17 years.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners. Referring to the materials in the



case diary, learned APP submits that there are specific allegations against these petitioners that they had given knife blow to Ashutosh Kumar and those injuries found support from the injury report of PHC, Patahi. Learned APP further submits that in the case diary the witnesses have also supported the prosecution case and, therefore, finding the materials on the record these petitioners do not deserve privilege of anticipatory bail.

Having regard to the facts and circumstances of the case and the materials on the record, there being allegations against these petitioners of giving knife blow and the evidence of the witnesses on the record, I am not inclined to grant privilege of anticipatory bail to the petitioners.

In case the petitioners surrender and pray for regular bail within a period of six weeks from today, their prayer for regular bail shall be considered on its own merit. It is, however, pointed out that the petitioner no.1 Khushi Kumari @ Pargati Kumari is said to be aged about 17 years as per the age mentioned in the petition filed before this Court. Therefore, in her case in case of her arrest or surrender she will not be forwarded in a routine manner to jail. The learned court below shall prima-facie satisfy himself and after examining the



materials in case it is found that she is a juvenile, she will be referred to the Juvenile Justice Board where she will be produced and in such circumstance her application for release on bail shall be considered by the Juvenile Justice Board on the same day of production and an appropriate order shall be passed by the Juvenile Justice Board. Petitioner no.1 shall while surrendering in the court below place on record all such materials which are available to her with regard to the age.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

