

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10858 of 2020

Arising Out of PS. Case No.-331 Year-2018 Thana- BIDUPUR District- Vaishali

1. Rina Devi W/o Baiju Singh @ Baijnath Singh R/o Village- Chechar, P.S.- Bidupur, District- Vaishali.
2. Ram Dulari Devi W/o Maheshwar Singh R/o Village- Chechar, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rina Sinha, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mr. Anirudh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-10-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Bidupur P.S. Case no. 331 of 2018 registered under sections 307, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the FIR, the five named accused persons including the two petitioners herein are stated to have come variously armed and of having assaulted the informant and his brother with lathi, farsa etc. It is stated that the informant and his brother sustained injuries. The brother of the informant on whom the accused persons are stated to have assaulted with an iron rod is stated to have sustained injuries on his ear. He died in course of treatment and section 302 of the



IPC was added.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. So far as the petitioners are concerned, they are females having no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioners are named in the FIR but specific overt act is alleged against them. The accused persons are stated to have assaulted the brother of the informant which led to his death as a result of the internal injury that he sustained.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the postmortem report, it transpires that no external injury was found over the body of the deceased and in the opinion of the doctor cause of death was not clear for which the viscera was preserved. In the facts and circumstances of the case, the Court is inclined to enlarge the petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Bidupur P.S. Case no. 331 of 2018 they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur subject to the condition as laid down under section 438(2) of the Cr.P.C.

It is made clear that none of the observations made



herein shall be used by either of the parties at any stage of the trial. The same is for the purpose of bail application only. It is further directed that the petitioners shall fully cooperate in the trial and in case of their non-cooperation the learned Court below may cancel the bail of the petitioners and take them into custody.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

