

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 18867 of 2020

=====

1. Punam Devi, aged about 32 years, female, Wife of Vinod Prasad.

2. Savita Devi, aged about 30 years, female, Wife of Lalan Prasad.

Both R/o Village-Chandar Bigha, P.S.-Chiksaura, District-Nalanda

.....Petitioner/s

Versus

The State of Bihar

.....Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the State : Mr. Shailendra Kumar Singh, APP

=====

CORAM : HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

02/- 17/07/2020

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioners and Mr. Shailendra Kumar Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Chiksaura P.S. Case No. 123 of 2019, dated



23.12.2019, instituted for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Mr. Ajay Kumar Thakur, learned Advocate for the petitioners has submitted that they have not been specifically named in the F.I.R.; rather the names of the petitioners have been disclosed as wives of the two named accused persons. So far as the allegations against the petitioners are concerned, they are attributed with the overt act of dashing Savitri Devi (deceased) on the ground when she was shot at and killed.

It has been submitted on behalf of the petitioners that assuming every allegations in the F.I.R. to be true, the petitioners cannot be brought into the net of the criminal prosecution with the aid of Section 34 of the Indian Penal Code. Apart from this, it has been submitted that there is a pending land dispute between the parties and, therefore, the implication of all the family members of the family including the female members, like the petitioners have been resorted to.

However, considering the nature of accusation against the petitioners and the manner in which the occurrence is said to have



taken place, this Court is not inclined to grant anticipatory bail to the petitioners.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the same shall be considered by the Court below on its own merits without being prejudiced by the fact that the present petition has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J.)

Praveen-II/-

U T

