

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22168 of 2020**

Arising Out of PS Case No.-28 Year-2019 Thana- MAHILA P.S. District- Kishanganj

1. Manikchand Ganesh, (M), aged about 50 years, Son of Dhumma Lal Ganesh.
2. Radha Devi, (F), aged about 30 years, Wife of Jitan Prasad.
3. Priti Devi, (F), aged about 32 years, Wife of Bambhai Prasad Ganesh.
4. Jitendra Prasad Ganesh @ Jiendra Kumar (M), aged about 35 years, Son of Necharu Lal Ganesh.
5. Bambhoi Prasad Ganesh @ Bambhol Kumar Ganesh (M), aged about 32 years, Son of Manikchand Ganesh.
All are Resident of Sakin - Tappu, P.S.- Dighalbank, District- Kishanganj.
6. Anjani Kumari, (F), aged about 35 years, Daughter of Kunji Lal Ganesh, Resident of Sakin - Haruwadanga, P.S.- Dighalbank, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Radha Devi, (F) Aged about 21 years, Wife of Saras Kumar Ganesh, Daughter of Durga Prasad, Resident of Sakin - Tappu, P.S.- Dighalbank, District- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Raj Kumar, learned counsel for the petitioners and Mr. Md. Ataur Rahman, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



3. The petitioners apprehend arrest in connection with Kishanganj Mahila PS Case No. 28 of 2019 dated 06.08.2019, instituted under Sections 323, 341, 313, 498A, 494, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners and one other is of assault and causing miscarriage of the informant.

5. Learned counsel for the petitioners submitted that all are family members of the husband of the informant and have been falsely implicated. It was submitted that the main allegation of assault is against the husband, mother-in-law (not petitioners in the present application) and Radha Devi (petitioner no. 2). Learned counsel submitted that the allegations are also general and omnibus and the entire family of the husband have been made accused only to harass them. Learned counsel submitted that the informant has also filed a complaint case in the year 2017.

6. Learned APP submitted that the petitioners are also named in the FIR. However, he could not controvert the fact that against the petitioners, except petitioner no. 2, there is only general and omnibus allegation without any specific overt act indicated.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 1, 3, 4, 5 and 6 be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Kishanganj in Kishanganj Mahila PS Case No. 28 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Further, (i) one of the bailors shall be a close relative of the petitioners, and (ii) the petitioners shall cooperate in the case. Failure to cooperate shall lead to cancellation of their bail bonds.

8. The prayer for anticipatory bail of petitioner no. 2 (Radha Devi) stands dismissed.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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