

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25098 of 2020**

Arising Out of PS. Case No.-116 Year-2019 Thana- BATHNAHA District- Sitamarhi

1. Thaga Singh aged about 50 years Son of Late Bilash Singh Resident of Village- Moili, P.S.- Bathnaha, District- Sitamarhi.
2. Vijay Singh aged about 30 years Son of Thaga Singh Resident of Village- Moili, P.S.- Bathnaha, District- Sitamarhi.
3. Rita Devi @ Rita Kumari aged about 25 years Daughter of Thaga Singh, Wife of Nagmani Kant Singhaniya Resident of Village- Moili, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr. Birendra Kumar, Advocate  
For the Opposite Party : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      15-10-2020                      Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through Video conferencing.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307, 379/34 and other allied sections of the Indian Penal Code to which section 302 Indian Penal Code was added later on.

Informant has stated in the FIR that on 19.5.2019 at about 4.30 am she went to attend call of nature in the bamboo bush near Baraham Asthan. Meanwhile, all the three petitioners and 2/3 unknown persons reached there. Petitioner no.1 assaulted her with Garasi causing injury on her head, petitioner



no.2 assaulted her with Khanti on her leg and neck as a result of which she fell down. Petitioner no.3 took away her silver bangles. On raising hulla, informant's daughter-in-law and other villages came there and took her to the hospital. Informant died in course of treatment on 21.5.2019.

Learned counsel appearing for the petitioners submits that the petitioners have lodged this false case to save their own skin from Bathnaha Police Station Case No. 112 of 2019 which has been lodged by petitioner no.1 before the instant case for murder of his wife against the informant. He further submits that the parties have compromised the matter. Petitioners have got no criminal antecedent as stated in paragraph 3 of the bail petition.

Learned counsel for the State opposes the prayer for bail submitting that there is specific allegation against petitioner nos. 1 and 2 of assaulting the informant/deceased by Garasi and Khanti respectively.

Considering the facts of the case, prayer for bail of petitioner nos. 1 and 2, as mentioned above, is refused with direction to surrender and seek regular bail within eight weeks from today, which would be disposed of on its own merit.

However, prayer for bail of petitioner no.3 as



mentioned above is allowed. In the event of arrest/surrender within eight weeks from today, let her be released 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 Chief Judicial Magistrate, Sitamarhi in Bathnaha Police Station Case No. 116/2019, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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