

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82116 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. NIRMALA DEVI Wife of Bihari Singh Resident of Village - Jathan, P.S.- Phulwariya, Distt - Gopalganj.
2. Sarita Kumari @ Shweta Kumari D/o Bihari Singh Resident of Village - Jathan, P.S.- Phulwariya, Distt - Gopalganj.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Devanand Tiwari, Advocate.
For the State	:	Mr. Rajendra Nath Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Phulwariya P.S. Case No.91 of 2019 registered under Sections 302/34 of the Indian Penal Code.

The accusation is that in the morning of 25.05.2019, the informant Sunita Devi was cleaning her house. At that time, Sanjay Singh, the husband of the informant, had gone to attend the call of nature. In the meantime, Bihari Singh along with his son Bhim Singh, wife Nirmala Devi (petitioner no.1) and daughter Sarita Kumari (petitioner no.2) came there and started to cause assault to the informant through danda, fists and slaps.



When the daughter of the informant rushed to save her, then she was assaulted by Bihari Singh through danda causing fracture injury at her right hand. In the meantime, when Sanjay Singh, the husband of the informant, rushed there, then he was laid down on the ground by them and they pressed his neck through legs. The cause of occurrence is said to be the dispute of erecting the hut on the land. Later on, the husband of the informant died.

Learned counsel for the petitioners submits that while the petitioners, who are wife and daughter of the co-accused Bihari Singh respectively, are named in the F.I.R. with general allegation of causing assault to the informant, her daughter and pressing the neck of her husband through legs but, in course of investigation, the statements of the witnesses, namely, Harihar Singh, Aniruddh Thakur, Suresh Kumar and Ajay Singh were recorded by the Investigating Officer, as detailed in paragraphs- 7, 8, 9 and 10 of the case diary respectively, in which while they have stated about the presence of the petitioners at the time of the occurrence but they have, specifically, stated that Bihari Singh and his son Bhim Singh caused injury to the husband of the informant. The petitioners respectively being the wife and daughter of Bihari Singh have falsely been implicated in this



case. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XIII, Gopalganj, in connection with Phulwariya P.S. Case No.91 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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