

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85462 of 2019

Arising Out of PS. Case No.-282 Year-2019 Thana- RAJAOLI District- Nawada

1. Dulari Devi, aged about 35 years, Female, Wife of Arun Pandey, Resident of Village - Bandhan Chapara, P.S.- Rajauli, District- Nawada.
2. Tara Devi, aged about 55 years, Female, Wife of Sachidanand Pandey, Resident of Village - Bandhan Chapara, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj
For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 07-09-2020 Heard Mr. Hansraj, learned counsel for the petitioners, Mrs. Renuka Ratnakar, learned Additional P.P. and Mr. Niraj Kumar, learned counsel appearing on behalf of the informant through video conferencing.

The petitioners apprehend their arrest in Rajauli P.S. Case No.282 of 2019, registered under Sections 147, 341, 323, 354, 379, 307, 448, 504 and 506 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The informant alleged that on 07.08.2019, he informed his neighbour, Sachidanand Pandey that his eucalyptus tree fell down on the road and the informant and his family members got difficulty in ingress and egress from their house. On such, the accused persons refused to remove the tree from the road. It is



further alleged that all the accused persons having armed with lethal weapons came and began to assault the informant, his mother, Gayatri Devi, aunt, Neelam Devi, sisters, Binu Kumari, Kajal Kumari and grandfather Umashankar Pandey. The informant further alleged that Sachidanand Pandey assaulted his grandfather, Umashankar Pandey with iron rod on his head. Umashankar Pandey got injury on head and fell down on the ground and became unconscious. On the order of Sudhir Pandey other accused persons also assaulted his grandfather, Umashankar Pandey with lathi and danda causing injury on his nose and other parts of his body. It is further alleged that Pintu Pandey torn the clothes of his mother. Sudhir Pandey assaulted the informant. Munna Pandey assaulted his sisters. Dulari Devi and Tara Devi, the petitioners, are alleged to have assaulted Gayatri Devi and Neelam Devi and the accused persons are alleged to have taken different articles from the house of the informant.

Learned counsel for the petitioners submits that the petitioners are ladies. They are not the assailant of Umashankar Pandey. Sachidanand Pandey is said to have given iron rod blow on the head of Umashankar Pandey. Thereafter other accused persons are also alleged to have assaulted Umashankar Pandey with hard and blunt object but the petitioners are not the assailant. Injuries were found on the head and nose of the deceased.



The learned Additional P.P. as well as the learned counsel for the informant opposed the prayer for anticipatory bail but at the same time submitted that from perusal of the FIR, it appears that the petitioners are not the assailant of the deceased, Umashankar Pandey.

Taking into consideration the facts that the petitioners are ladies and they are not alleged to have assaulted Umashankar Pandey who died on account of injury found on his head rather Sachidanand Pandey is alleged to have assaulted the deceased, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No.282 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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