

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32360 of 2020

Arising Out of PS. Case No.-78 Year-2017 Thana- DAUDPUR District- Saran

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1. SUSHILA DEVI, Wife of Rambalak Mhato Resident of Village- Shital Pur, P.S.- Daudpur, District- Sharan.
 2. Raj Kumari Devi, Wife of Sambhu Nath Mahato Resident of Village- Shital Pur, P.S.- Daudpur, District- Sharan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-02-2021 Heard Mr. Gopal Govind Mishra, learned

counsel for the petitioners and Mr. Ashok Kumar Singh,

learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Daudpur P. S. Case No. 78 of

2017 dated 19.04.2017 and G. R. No. 2745 of 2017,

instituted for the offences under Sections 302, 120B and

34 of the Indian Penal Code.

The wife of the informant had died while

residing in her village home, while the informant was

employed at Gwalior in the State of Madhya Pradesh.



The petitioners are the wives of the brothers of the informant who are alleged to have killed the deceased and in order to cover up the offence, an UD case was lodged.

The source of information to the informant is the daughter of the informant who too was residing in the same house.

The learned counsel for the petitioner has submitted that the death took place two years ago. The informant had participated in the funeral but it appears that for an oblique motive, after two years of the death of the deceased, this case has been lodged.

The police after investigation found the accusation to be absolutely false and submitted mistake of fact. However, the learned court below, differing with the police report, has taken cognizance against the petitioners, necessitating the present petition for anticipatory bail.

Considering the afore-stated facts, the



petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, 11th, Sharan at Chapra, in connection with Daudpur P. S. Case No. 78 of 2017 and G. R. No. 2745 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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