

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33959 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. Suganti Kumari, aged about 20 years, daughter of Laxman Yadav.
2. Kalawati Devi, aged about 40 years, wife of Laxman Yadav,
Both resident of Village- Purari, P.S.- M.H. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kashyap, Advocate
For the State	:	Ms. Nirmala Kumari, APP
For the Informant	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Amit Kashyap, learned counsel for the petitioners; Ms. Nirmala Kumari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Prashant Kumar, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Hussainganj (MH Nagar) PS Case No. 137 of 2020 dated 05.06.2020 instituted under Sections 341, 323, 307, 302, 504, 506/34 of the Indian Penal Code.

4. The allegation against two other co-accused is of assault on the head of the informant, whereas, against the petitioners and five others is of general assault on the father of the informant, namely, Ramnath Yadav, causing head injury leading to his death.



5. Learned counsel for the petitioners submitted that they are ladies having no criminal antecedent and further, that the allegation against them is cosmetic, of holding bricks in their hand. It was submitted that the postmortem report of the deceased, Ram Nath Yadav, shows injury on the head leading to his death. It was submitted that no multiple injury has been found on the head to indicate that even bricks, if it is accepted, were used by the petitioners causing any injury to the deceased. It was submitted that in the FIR itself it has been stated that there was dispute with regard to the petitioners' family trying to forcibly cut the soil from the land of the informant.

6. Learned APP submitted that the petitioners had also assaulted by bricks.

7. Learned counsel for the informant submitted that death has been caused by injury of hard and blunt substance on the head of the deceased. However, it was not controverted that multiple injuries have not been found on the head.

8. 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 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 ACJM XIII, Siwan, in Hussainganj (MH Nagar) PS Case No. 137 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the bailors and petitioners shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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