

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35707 of 2020

Arising Out of PS. Case No.-173 Year-2020 Thana- GORAUL District- Vaishali

1. Najma Khatoon Wife of Md. Kalim Resident of Village- Babhan Toli, Police Station- Goraul in the District of Vaishali.
2. Rijwana Khatoon Wife of Md. ----- Resident of Village- Babhan Toli, Police Station- Goraul in the District of Vaishali.
3. Md. Kalim @ Md. Panchu Son of Md. Salahi Resident of Village- Babhan Toli, Police Station- Goraul in the District of Vaishali.
4. Md. Jalif Son of Dhodha Mian Resident of Village- Babhan Toli, Police Station- Goraul in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 01-11-2021 Heard Shri Sunil Kumar, learned counsel for the petitioners and Shri Chandra Bhushan Prasad, learned A.P.P. for the State.

The petitioners are seeking anticipatory bail in connection with Goraul P.S. Case No. 173 of 2020 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

On 14.04.2020, the son of the informant jokingly told his friend Md. Sanu on mobile that his father has suffered from Corona on which all the accused persons armed with lathi-



danda, bricks and stones started abusing him and wanted to know the whereabouts of Md. Tanveer with a view to kill him for spreading such false rumors and when the wife of the informant came to inquire about the matter, thereafter Md. Kaleem in abusive tone ordered to kill her on which all the five accused persons assaulted her brutally by which she received injuries on the head and fell down on the earth. On hulla being raised, villagers assembled and the petitioners fled away and the wife of the informant was taken to Aakash Hospital, Hajipur where in course of treatment she died.

The learned counsel for the petitioners, at the outset, submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the occurrence is of 14.04.2020 while the death of the victim took place on 17.05.2020 that is after more than 34 days of the occurrence as such it cannot be alleged that it was on account of assault that the victim died rather the death took place after more than 34 days of the occurrence it can be easily inferred that the death was due to sleeping in septicemia.

The learned A.P.P. for the State from perusal of the case diary with respect to the cause of death submits that it has not been ascertained and viscera report is awaited.



The learned counsel for the petitioners submits that viscera report is with respect to an allegation that the death may have been caused due to poison but in the F.I.R. there is no such allegation.

Considering the facts and circumstances of the case in it's totality, the petitioner nos. 1, 2 and 4, in the event of their arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 173 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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