

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35360 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Pinki Devi, aged about 23 years (Female), W/o Niraj Mahto, resident of village - Samsa, P.S. - Naokothi District- Begusarai.
 2. Nibha Kumari, aged about 18 years, Female, D/o Harinandan Mahto, resident of village - Samsa, P.S. - Naokothi District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-03-2021 Heard both sides.

The petitioners apprehend their arrest in Naokothi P.S. Case No.73 of 2020, registered under Sections 302, 307, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that he along with his family members were hearing news. Somebody called the name of the father of the informant. When the informant and his family members came out, they saw Shambhu Mahto, Sikandar Mahto, Ranjeet Mahto, Krishna Kumar @ Kishan, Indal Kumar, Shatrudhan Kumar, Sonu Kumar, Chhotu Mahto and Mukendra Mahto were standing on the *Darwaza* of the informant. The



accused persons were intending to forcibly take his father from his house. When the father of the informant objected, Krishna Kumar @ Kishan fired at his father. When the mother of the informant went to save, Shatrudhan @ Dhuldhul Singh fired at her. After have received firearm injury, his father and mother fell down on the ground. On alarm, many persons came there. The villagers were chasing the accused persons. The informant saw Nibha Kumari, petitioner no.2, Shabnam Kumari and Pinki Devi, petitioner no.1 fleeing from the place of occurrence.

Learned counsel for the petitioners submits that the informant did not name the petitioners at the first place of occurrence. The informant disclosed that Krishna Kumar @ Kishan fired which hit on his father and Shatrudhan fired causing firearm injury to his mother. While the accused persons were fleeing away, the informant is said to have identified both the petitioners along with Shabnam Kumari fleeing from the place of occurrence. No specific allegation is made against the petitioners. Petitioners are ladies.

The learned Additional P.P. opposed the prayer for anticipatory bail.

Perused the FIR. The informant named nine persons at the first instance and disclosed that they were present on his



Darwaza. They were trying to drag his father out of the house. When his father objected, Krishna Kumar @ Kishan fired which cause firearm injury to his father and when mother of the informant came, Shatrudhan Kumar fired causing firearm injury to the mother of the informant. During the course of treatment, Pramila Devi, the mother of the informant died. There appears that no specific allegation is made against the petitioners and the petitioners were seen fleeing away from the place of occurrence.

Taking into consideration the facts aforesaid, petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds 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, Begusarai in connection with Naokothi P.S. Case No.73 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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