

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8300 of 2021

Arising Out of PS. Case No.-323 Year-2020 Thana- KOTWA District- East Champaran

1. PRABHAWATI DEVI Wife of Ramdeo Yadav Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.
2. Antu Kumari @ Anju Kumari D/O Ramdeo Yadav Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.
3. Rekha Devi Wife of Pawan Kumar Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.
4. Phoolkali Devi Wife of Mithlesh Yadav Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.
5. Kiran Devi Wife of Lalu Kumar Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.
6. Sunita Devi Wife of Jay Prakash Yadav Resident of village - Fatuha, P.S. - Kotwa, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 323 of 2020 registered for the offence under Sections 341, 342, 307, 323, 302/34 of the



Indian Penal Code.

Prosecution case in short is that all the accused persons having armed with lathi, spade and farsa assaultedone Shambhu Yadav, as a result of which, he succumbed to the injury at the place of occurrence itself.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. In respect of assault, general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Petitioners are ladies. From perusal of the postmortem report, it appears that there is no external injury on the body of the deceased. The postmortem report does not corroborate with the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial



Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 323 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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