

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15329 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- MANJHAGARH District- Gopalganj

1. Pawan Kumar, male, aged about 25 years, S/O Shivnath Mahto
 2. Tara Devi, female, aged about 48 years, W/O Shivnath Mahto
- Both are R/O- Village - Sareya Akhteyar, P.S. - Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Adv.

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Manjhagarh P.S. Case No. 116 of 2020, dated 02.06.2020, which was initially instituted for the offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code but later, with the death of the sister-in-law of the informant, Section 302 I.P.C. has been



added.

Because of a dispute over a plot of land, an occurrence took place in which many accused persons are said to have assaulted the informant and other members of the family. The informant is said to have been assaulted by one Munna Mahto as a result of which he was injured. When one Sunita Devi, his sister-in-law, came to his rescue, she is said to have been assaulted by the petitioner No. 1 by means of a brick as a result of which she died.

So far as the petitioner No. 2 is concerned, she amongst others is said to have taken part in the affray, but such accusation is absolutely general and omnibus.

It has been submitted on behalf of the petitioners that there is no repetition of blow on the part of any one of the accused persons including petitioner No. 1 and it is quite fortuitous that one of the victims of the case has died.

It has further been submitted that there had been no intention on the part of petitioner No. 1 to have caused the death of aforesaid Sunita Devi.

Be that as it may, regard being had to the fact that



because of the assault perpetrated by petitioner No. 1, the deceased died, I am not inclined to grant him anticipatory bail.

The prayer for grant of anticipatory bail to petitioner No. 1 is, accordingly, rejected.

However, in view of the general and omnibus accusation against many accused persons including the petitioner No. 2/Tara Devi and taking into account her gender, she, in the event of her arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 116 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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