

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3769 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- KESARIA District- East Champaran

1. Asma Khatoon, Female, aged about 35 years, W/o Md. Mumtaj.
 2. Jahidan Khatoon, Female, aged about 32 years, W/o Md. Rahim Miyan.
- Both resident of Village - Dilawarpur, P.S. - Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks from today.

The petitioners seek bail in connection with Kesariya
P.S. Case No. 07 of 2021 registered for the offences punishable
under Sections 341, 323, 324, 504 and 506 of the Indian Penal
Code and later on Section 302 of the IPC is added.

The allegation against the petitioners are that they
along with other co-accused persons brutally assaulted the
mother of the informant, who subsequently died.



It has been submitted on behalf of the petitioners that the petitioners are innocent and general and omnibus allegations of assault are only there in the FIR which has been registered after a delay of seven days and there is no explanation for the delay, which shows that the FIR to be as afterthought. The petitioners are ladies and are in custody since 11.08.2021.

Having regard to the statement made hereinabove and considering the fact that there is general and omnibus allegations of assault against the lady petitioners without any specific overt act being assigned to them, they are ordered to be released 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 Chief Judicial Magistrate, Motihari East Champaran in connection with Kesariya P.S. Case No.07 of 2021, subject to the following conditions:

(i) One of the bailors will be a close relative of the petitioners, preferably one of his parents.

(ii) The petitioners will remain present on each and every date fixed by the court below and not delay the trial. In case of absence for three consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.



(iii) The petitioners will not indulge in similar or in any other offence.

(Arun Kumar Jha, J)

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