

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8089 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- BIHRA District- Saharsa

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MADHU DEVI W/O DEVENDRA DAS RESIDENT OF VILLAGE-
PATOURI WARD NO.-5, P.S.- BIHARA, DIST.- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 8649 of 2022

Arising Out of PS. Case No.-181 Year-2021 Thana- BIHRA District- Saharsa

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DEVENDRA DAS S/O SRI TURANTI DAS RESIDENT OF VILLAGE-
PATOURI WARD NO.-5, P.S.- BIHARA, DIST.- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8089 of 2022)

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Bishweshwar Ram

(In CRIMINAL MISCELLANEOUS No. 8649 of 2022)

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in



connection with Bihra P.S. Case No. 181 of 2021 registered for the alleged offences under Sections 147, 148, 149, 323, 302 and 504 of the Indian Penal Code.

The prosecution case is that the petitioners threatened the husband of the informant to leave their land and the petitioner Madhu Devi called other co-accused persons and all of them assaulted the husband of the informant. The husband of the informant died during his treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no connection with the death of husband of the informant who died his natural death. He was not assaulted either by the petitioners or any of the co-accused persons as alleged in the FIR. Post-mortem report shows that no external injuries have been found on the body and it shows the falsity of the allegation. Land dispute between the parties is admitted and for this reason petitioners have been falsely implicated. The occurrence took place on 08.09.2021 but the FIR was registered on 09.09.2021. It is surprising no information was given to the police either by the informant or by the doctor for the occurrence took place at about 9 A.M. on 08.09.2021. Charge sheet has been submitted in this case and



the petitioners are in custody since 10.09.2021.

Learned APP for the State and learned counsel appearing on behalf of the informant opposes the submission made on behalf of the petitioners submitting that there is specific allegations against the petitioners that they assaulted the husband of the informant and he died subsequently.

Perused the records.

Having regard to the submission made hereinabove and considering the fact that no external injuries have been mentioned in the post-mortem report whereas allegation in the FIR is of assault causing serious injuries on the body of the husband of the informant resulting in his death, a contradiction which cannot be ignored and further considering the submission of charge sheet and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 181 of 2021 , subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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