

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19057 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. MEERA DEVI W/O ARUN PASWAN R/O VILLAGE BAJITPUR BAMBAYIA, P.S-VIBHUTIPUR, DISTRICT-SAMASTIPUR.
2. RAMPARI DEVI W/O RAJESH PASWAN R/O VILLAGE BAJITPUR BAMBAYIA, P.S-VIBHUTIPUR, DISTRICT-SAMASTIPUR.
3. RAJIYA DEVI W/O SHATRUDHAN PASWAN R/O VILLAGE BAJITPUR BAMBAYIA, P.S-VIBHUTIPUR, DISTRICT-SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate.
For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Abhay Kumar Singh, learned Advocate for the petitioners and Dr. Ajeet Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Vibhutipur P. S. Case No. 309 of 2020 instituted for the offences under Sections 147, 148, 149, 302 and 323/34 of the Indian Penal Code.

The petitioners are, in a general manner, alleged to have taken part in the assault on the informant and the deceased, who is the daughter of the informant. Though the accusation against petitioner no.3 is of assaulting the informant on her leg and against petitioner nos. 1 and 2 of assaulting the deceased after dragging her to the house of one of the accused Shatrudhan



Paswan, but those accusations are not borne out by the injury report of the injured and the post mortem report which was conducted on the dead body of the deceased. The deceased has suffered no external injury and perhaps no internal injury as well. However there was clotting of blood found near her mouth. The deceased was taken to hospital after five days of the occurrence where she died during the course of treatment.

It has further been submitted that with respect to the occurrence which is said to have taken place on 08.10.2020, the F.I.R. has been registered on 13.10.2020. The explanation given for such delay is that the parties were waiting for the outcome of a social mediation between the warring groups.

Admittedly, it has been argued, there was a dispute from the past about a pathway. Precisely, for this reason, the entire family members of the petitioners including male and female members, have been made accused in this case.

The learned counsel for the petitioners has further submitted that assuming but not admitting that there was clash between the parties and the petitioners having participated in the same, but in view of the injury suffered by the deceased and there being no evidence of pre-meditation before the attack, the case, at best, would fall under the category of Section 304 IPC



and not under Section 302 IPC.

Apart from this, it has been submitted that from the tenor of the prosecution case, it becomes evident that the entire family members of one particular side have been made accused in this case including the petitioners.

For the afore-noted reasons and taking into account the gender of the petitioners and also the general nature of accusation against them, they are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Rosera, Samastipur in connection with Vibhutipur P.S. Case No. 309 of 2020, subject to the condition as laid down under Section 438 (2) Cr. P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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