

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11222 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- RAGHOPUR District- Supaul

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1. LAXMI DEVI @ LAXMI KUMARI D/o Upendra Paswan R/o village- Raghapur, Railway Colony, Ward No. 09, P.S.- Raghapur, District- Supaul
 2. Sita Devi W/o Pintu Paswan R/o village- Raghapur, Railway Colony, Ward No. 09, P.S.- Raghapur, District- Supaul
 3. Lalita Devi W/o Upendra Paswan R/o village- Raghapur, Railway Colony, Ward No. 09, P.S.- Raghapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad
For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 302/34 of the Indian Penal Code.

Allegedly, the petitioners alongwith other co-accused persons assaulted the son of the informant. One Sintu Yadav gave chaku blow in the chest of the son of the informant.



Informant brought his son at hospital where the doctor declared him dead.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The specific overt act is against co-accused Sintu Paswan who assaulted the son of the informant by means of knife. The post-mortem report has supported this fact. The police has not found the case true against the petitioners and submitted final form as lack of evidence but court below took cognizance on the basis of the material on record. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioners, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a



period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Raghapur P.S. Case No. 27 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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