

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21859 of 2021**

Arising Out of PS. Case No.-707 Year-2020 Thana- BANKA District- Banka

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1. KARMi DEVI @ KAMI DEVI W/o Naresh Yadav Resident of Village - Majlishpur, P.s.- and Distt.- Banka.
 2. RAJESH YADAV @ RAJESH KUMAR Son of Naresh Yadav Resident of Village - Majlishpur, P.s.- and Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-01-2022 Heard Mr. Manoj Kumar Jha, learned Advocate
for the petitioners and the learned APP for the State.

The petitioners, who are mother and son respectively, seek bail in anticipation of their arrest in connection with Banka P.S. Case No. 707 of 2020 dated 01.09.2020 instituted for the offences under Sections 323, 341, 302 and 34 of the Indian Penal Code.

When the deceased had gone to throw garbage in the fallow-land of the husband of the petitioner no. 1, she objected. This led to a scuffle between the ladies of the neighbourhood and the deceased as well as the petitioners. Suddenly, the deceased became unconscious and was taken to hospital where she was declared dead.

Mr. Manoj Jha, learned counsel for the petitioners has submitted that on seeing the post-mortem



report, he has found that the deceased had suffered a head injury. There was no other injury on the body of the deceased. Mr. Jha has thus submitted that assuming but not admitting the fact that the petitioners also took part in the scuffle, but the death could also be because of fall in that scuffle.

At best, the case would fall in the category of homicide not amounting to murder.

Considering the aforementioned submissions on behalf of the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the 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 Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 707 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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