

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26670 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- GANGABRIDGE District- Vaishali

1. Mahadevi Devi, aged about 68 years, Female, Wife of Late Motilal Saw, Resident of Village- Chhoukia, P.S.- Gangabridge, District- Vaishali.
2. Vijay Saw, aged about 45 years, Male, Son of Late Motilal Saw, Resident of Village- Chhoukia, P.S.- Gangabridge, District- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhya, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-05-2022 Vide order dated 02.03.2022, the petitioner no. 1, namely, Mahadevi Devi, has already been granted anticipatory bail by this Court.

Heard learned counsel for the petitioner no. 2 and learned counsel for the State.

Learned counsel for the petitioner no. 2 is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Now the petitioner no. 2 is apprehending his arrest in connection with Gangabridge P.S. Case No. 79 of 2020 for the offence registered under Sections 302/34 of the I.P.C.

The prosecution story, in brief, is that the accused



persons including the petitioner no. 2 abused the informant and her husband. In the meantime, petitioner no. 2 gave *Farsa* blow on the head of the informant's husband causing severe head injury and blood oozing out. The husband of the informant was taken to the hospital for treatment and later on he died.

It has been submitted by learned counsel for the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against him. He has falsely been implicated in the present case. The alleged occurrence is said to have taken place on 15.09.2020 and thereafter the husband of the informant was taken to a doctor for treatment which is evident from paragraph no. 22 of the case diary where the statement of the doctor has been recorded. The doctor has discharged the deceased as there was superficial injury on his head. Subsequently, the deceased was sent back to his home and as per the F.I.R. he is said to have died on 17.09.2020. The postmortem report shows cardio respiratory arrest is one of the reasons for death of the deceased. The Annexure-2 is the postmortem report.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner no. 2 above named (except petitioner no. 1 Mahadevi Devi), in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali, Hajipur, in connection with Gangabridge P.S. Case No. 79 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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