

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27717 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- CHANPATIA District- West Champaran

1. RAMANI DEVI Wife of Parmeshwar Mahato R/O Village - Sabeya Khurd, P.S.- Sirisiya O.P., Distt.- West Champaran.
2. Arti Kumari Daughter of Parmeshwar Mahato R/O Village - Sabeya Khurd, P.S.- Sirisiya O.P., Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner no.1 Ramani Devi.

Permission is accorded.

The petitioner no.2 apprehends her arrest in a case
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioner no.2 is a person with clean antecedent, is a young girl
aged about 18 years and the informant alleges that the dead



body of his son was found behind the house of the petitioner as such it is alleged that it were the petitioner and her family members who killed his son.

Learned counsel for the petitioner draws the attention of the court to the impugned order to submit that it has come during the course of investigation that the dead body was found wrapped in yellow clay and yellow clay was also found in the house of the petitioner, it is next submitted that the cause of death has been assigned by smothering. It is next submitted that the deceased and the petitioner were known to each other and were neighbours and used to meet and as such the present petitioner also based on suspicion has been implicated though the informant is not an eye-witness to the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that the impugned order clearly records that the cause of death was by smothering and the body of the deceased was smeared with yellow clay which was found in the house of the petitioner also.

Learned counsel for the petitioner rebuts the submission of the learned A.P.P. for the State and submits that no doubt the said observation finds mention in the impugned order but then the petitioner is a young girl aged about 18 years



and it seems that the informant implicated her merely because she was known to the deceased, further it absolutely does not stand to reason that after killing the deceased, the petitioner and her family members would have thrown the dead body in their backyard and thus would have created evidence against themselves. Learned counsel submits that it also appears improbable as it has been recorded in the impugned order that it was Ramani Devi who informed the informant that his son has been killed and his body is thrown in her backyard.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, Arti Kumari, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 40 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

