

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41882 of 2021

Arising Out of PS. Case No.-92 Year-2019 Thana- TARABARI District- Araria

1. Jamuni Devi @ Jabuni Devi W/o Balit Paswan R/o village- Khari Tola, Ward No. 6, Pategna, P.S.- Tarabari, District- Araria
2. Guriya Devi D/o Balit Paswan R/o village- Khari Tola, Ward No. 6, Pategna, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Anamul Haque, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Tarabari P.S.Case No. 92 of 2019 registered for the offences punishable under Sections 341, 323, 326, 307, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that while the informant namely, Diyaram Paswan came out on road from his house all the accused surrounded him and started assaulting by



legs and fists. It is alleged that co-accused Lalan Paswan assaulted the informant with Farsa over his head due to which he sustained head injury.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted on behalf of the learned counsel for the petitioners that petitioners are ladies and there are general and omnibus allegation against all the accused persons. So far as allegation of assault is concerned, the same has been attributed against Lalan Paswan. However the injury has been found to be simple in nature. It is further submitted that prior to institution of the present case, the petitioner no. 1 had instituted Tarabari P.S.Case No.91 of 2019 for the offences punishable under sections 307, 379 and other allied sections of the IPC against the brother of the informant. It is next submitted that there is land dispute between the parties since long which resultant into lodging of this case. It is lastly submitted that both the parties are own *Gotiyas* and they have also compromised the matter and filed an application to this regard before the court below.

On the other hand, learned APP for the State opposes the bail application of the petitioners, however, he also submits



that petitioners are ladies and there is no specific allegation against them.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against the petitioners, who are ladies and moreover, there is counter version of this case, apart from the fact that they have already settled their dispute, let the petitioners above named, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Araria in connection with Tarabari P.S.Case No. 92 of 2019 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the



course of trial.

(Harish Kumar, J.)

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