

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45375 of 2021

Arising Out of PS. Case No.-649 Year-2020 Thana- BAGHA District- West Champaran

1. ANITA DEVI Wife of Shri Shiv Kumar Yadav D/o Nageshwar Yadav Resident of Village- Nawka Tola, Bargaon, P.S.- Bagaha, District- West Champaran (Bettiah). At present R/o Tribhauni, Ward No.11, Police Station- Bhairoganj, District- West Champaran (Bettiah).
2. Jaymati Devi Wife of Nageshwar Yadav Resident of Village- Nawka Tola, Bargaon, Police Station- Bagaha, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 13-04-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.2 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.2.

In view of the aforesaid submission, the application is dismissed as withdrawn as having become **infructuous as against petitioner no.2.**



Petitioner no.1 apprehends her arrest for the offences alleged under Sections 302/34 of the Indian Penal Code, registered in connection with Bagaha P.S.Case No. 649 of 2020.

As per allegation, the accused persons were making *osauni* of their paddy crops towards the Darwaza of the informant. The mother of the informant prohibited, whereupon the accused persons pushed her on the ground. She became unconscious and later on died. It has been mentioned in the FIR that Jaymati Devi, petitioner no.2 dashed the mother of the informant resulting in her death.

Learned counsel for the petitioners has submitted that the FIR itself shows that petitioner no.2 Jaymati Devi had dashed the deceased and not petitioner no.1.

So far as petitioner no.1 is concerned, there is no specific allegation of dashing the mother of the informant. Petitioner no.1, as per paragraph no.3 of the anticipatory bail petition, is a lady and has clean antecedents.

Considering the above facts and circumstances, let petitioner no.1 Anita Devi, in the event of her arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate, 1st,
Bagaha, West Champaran (Bettiah) in connection with Bagaha
P.S.Case No. 649 of 2020, subject to the conditions as laid down
under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed
by the petitioners within the stipulated time provided
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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