

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45018 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. Kari Devi W/O Wakil Mandal R/O Village-Nathpur, Gorhyari, P.S-Barhara Kothi, (RAGHUBANSH Nagar), District-Purnia.
2. Nilam Devi W/O Julis Mandal R/O Village-Nathpur, Gorhyari, P.S-Barhara Kothi, (RAGHUBANSH Nagar), District-Purnia.
3. Satyawati Devi @ Satwati Devi W/O Dinesh Mandal R/O Village-Nathpur, Gorhyari, P.S-Barhara Kothi, (RAGHUBANSH Nagar), District-Purnia.
4. Tetri Devi W/O Saurav Mandal R/O Village-Nathpur, Gorhyari, P.S-Barhara Kothi, (RAGHUBANSH Nagar), District-Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Sanjeev Kumar learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

At the very outset, learned counsel for the petitioner submits that during pendency of the present application petitioner no. 3 namely, Satyawati Devi @ Satwati Devi has been arrested and as such the application with regard to the petitioner no. 3 has become infructuous.



The petitioners apprehend their arrest in connection with Barhara Kothi(Raghubansh Nagar) P.S.Case No. 295 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 14.12.2020 while the informant along with his father and mother had gone to the field for cultivating over his land said to be purchased in the name of informant's father, in the meantime, 25 named accused persons along with 10-15 unknown persons came there and forebed them from sowing the seeds upon that some altercation took place and thereafter, all the accused persons started abusing the informant's father and assaulted with lathi ,danda and iron rod. It is further alleged that when the informant tried to rescue his father, he was also brutally assaulted. It is further alleged that upon the order of Dinesh Mandal one co-accused Julis Mandal and Saurabh Mandal fired from his pistol due to which informant's father sustained injury and later on he died during the course of treatment.

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 by the learned counsel for the petitioners that all the petitioners are ladies and there is no specific accusation of assault rather there is general and omnibus allegation. It is submitted that there is a land dispute between the parties for which Title suit no. 95 of 2010 is also going on . It is also submitted that there is counter version of the alleged occurrence bearing Barhara (Raghubansh Nagar) P.S.Case No 258 of 2020 instituted by Wakil Mandal. It is next submitted that there was free fight which took place between both the parties and petitioners side also sustained injuries which have not been explained by the prosecution party. It is lastly submitted that petitioners are ladies and having fair antecedent and moreover, all the male members of the family have been taken into custody and some of them have been granted bail.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioners are named in the FIR and this is a case of serious nature causing death of a person.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that, petitioners



are ladies and there is no specific allegation against them and male members against whom there were specific allegation, have taken into custody, let the petitioner nos. 1, 2 and 4 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 Chief Judicial Magistrate, Purnea in connection with Barhara Kothi(Raghubansh Nagar) P.S.Case No. 295 of 2020 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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