

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55048 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

1. SUSHILA DEVI W/O RAM LAKHAN RAI R/o village- Simri, P.S.- Vidhyapatinagar, District- Samastipur
2. Nutan Kumari @ Nutan Devi W/o Ajeet Kumar Raj R/o village- Simri, P.S.- Vidhyapatinagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Opposite Party/s : Mr.Md. Fahimuddin
Mr.Manoj Kumar Gupta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-06-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 302, 307, 323, 341, 504 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the



informant's side. In the said occurrence, father of informant died in the way to the hospital.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation of assaulting the deceased by iron rod is made against accused Mukesh Kumar. There is an admitted land dispute between the parties. It is further submitted that the petitioner no.1 is 70 years old lady and petitioner no.2 is of 37 years of age. It is submitted that petitioners were only the members of mob. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that from para-22, 29, 89, 90 of the case diary, it is evident that the witnesses have supported the prosecution case. The doctor has found the cause of death was due to shock and haemorrhage caused by impact of hard and blunt substance, as mentioned in para-59 of the case diary.

Having regard to the facts and circumstances of the case,



I am not inclined to enlarge the petitioners on bail. The prayer for grant of anticipatory bail on behalf of the petitioners named above is hereby rejected.

The bail application stands dismissed accordingly.

(Anjani Kumar Sharan, J)

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