

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72179 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- CHHATAUNI District- East Champaran

1. RUBY KUMARI W/o Sumesh Kumar R/o village- Pansalwa, P.S.- Chiraiya, District- East Champaran
2. Sumesh Kumar S/o Rajeshwar Prasad Singh R/o village- Pansalwa, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners and
learned APP for the State through virtual mode.

Learned Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 406, 420, 304, 341, 323, 506/34 of the Indian Penal Code and Section 75 of Juvenile Justice Care and Protection of Children Act, 2015.

Prosecution case, in short, is that the informant is a 14 years old boy. The father of the informant, namely, Rakesh Kumar (co-accused) was Special P.P. of N.D.P.S. Court and his



father has illicit relation with a lady. As a result of which, mother of the informant, namely, Chanda Kumari got into mental shock and trauma and father of the informant got his mother treated improperly, due to which condition of his mother deteriorated and thereafter the maternal uncle and aunt and maternal grandfather and grandmother came and took the mother of the informant to Medanta Hospital and Sri Ganga Ram Hospital, Delhi for better treatment, but his mother could not survive and lastly his mother died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioners have been made accused due to mistake of fact. The petitioners are uncle and aunt of the informant. It is alleged that his mother was not properly treated by the family members and hence she died. As per the allegations levelled in the F.I.R., no offence under Section 304A of I.P.C. is made out in the present case. The petitioner No.2 is a lady. The alleged occurrence is said to have taken place on 09.04.2020 and the case has been instituted on 01.04.2021. Delay has not been explained by the prosecution. The present case has been instituted for oblique reasons.



On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Chhatauni P.S. case No.133/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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