

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68561 of 2021

Arising Out of PS. Case No.-461 Year-2021 Thana- CHAPRA TOWN District- Saran

1. ANITA DEVI @ AMITA DEVI Wife of Ram Babu Sah Resident of Mohalla - Pokhra, Hospital Road, Near Pani Tanki, P.S.- Town Thana, Hajipur, District - Vaishali.
2. Ravi Ranjan Kumar @ Pintu Son of Ram Babu Sah Resident of Mohalla - Pokhra, Hospital Road, Near Pani Tanki, P.S.- Town Thana, Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh,Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh,APP

Mr.Pravashankar Mishra,Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 23.08.2021 at about 8:00 AM, the petitioners alongwith co-accused Sangita Devi, came to the house of informant and started abusing for their dues amount of Rs. 2,25,000/-, which informant had taken earlier from them, and thereafter, it is alleged that they assaulted the wife of informant on her abdomen and chest, due to which, she died during course of treatment after two days of the occurrence.



It is submitted on behalf of petitioners that petitioner no. 1 is own sister and petitioner no. 2 is *bhagina* of informant. There is general and omnibus allegation. As per F.I.R. itself, no deadly weapon was used and as such, there was no intention to kill the deceased. In fact, petitioners had gone to demand their dues amount of Rs. 2,25,000/- from the informant. The wife of the informant died due to illness. In the *post-mortem* report, the cause of death is '*haemorrhage and shock due to Rt. Lung rupture, due to hard blunt object*'.

However, learned counsel for the informant vehemently opposed the prayer for anticipatory bail of petitioners and submitted that there is specific and direct allegation against petitioners of assaulting the wife of informant, due to which, she died.

Considering the specific allegation of assault against petitioners and *post-mortem* report of deceased, the prayer for bail of petitioners is rejected.

(Prabhat Kumar Singh, J)

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