

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15950 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- PATAHI District- East Champaran

1. Sharmila Devi Wife Of Mahesh Sah R/O Village- Baraka Balua, P.S.- Patahi, District- East Champaran
2. Priyanka Devi Wife Of Guddu Sah R/O Village- Baraka Balua, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Patahi P.S. Case No. 236/ 2022 registered for the offence punishable under Sections 302/34 of the Indian Penal Code (for brevity 'IPC').

There is said to be a subsisting dispute among the informant, Mahesh Sah and Guddu Sah. Petitioner No. 1 is the wife of Mahesh Sah and petitioner No. 2 is the wife of Guddu Sah. It is alleged that informant's twelve (12) years old son was lured by the petitioners on the pretext of giving chocolate and when he has entered into the petitioners' house, he has been



shoved into the *Hadamba* machine and thus, died. The instant petitioners, allegedly, were trying to conceal the dead body of the informant's son.

It is submitted by the petitioners' counsel that, in fact, the victim died by sustaining injury in the machine, which was running in the premises of the petitioner's house. The informant, subsequently, has also come to know of the true sequence of events leading to death of informant's son in a *bona fide* accident based on which, a joint compromise petition has been filed in the court below (Annexure- 4). Even as per the prosecution case, specific allegation of causing death was against the other co-accused persons, namely Mahesh Sah and Guddu Sah. Petitioners being female family members, have been implicated on extraneous considerations. They are having no criminal antecedents.

Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, the fact that petitioners are female family members of the accused Mahesh Sah and Guddu Sah, against whom the motive has been assigned in the FIR and against whom overt act has been alleged as also the contents of the joint compromise petition (Annexure- 4) and



clean antecedents, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Patahi P.S. Case No. 236/2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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