

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29868 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- GOH District- Aurangabad

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RADHIKA DEVI @ RADHIKA KUMARI W/O BIRENDRA KUMAR R/O
Village- Bhurkhunda, P.S- Goh, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-08-2023

1. Heard the parties.

2. The petitioner apprehends her arrest in connection with Goh PS Case No. 361 of 2022 dated 07-12-2022 registered under Sections 147 / 149 / 341 / 323 / 506 / 302 of the I.P.C.

3. As per the First Information Report lodged by the brother of deceased he got an information on 06-12-2022 that his sister was assaulted by her in-laws in her matrimonial home. Altogether nine persons have been made accused stating therein that the informant's sister was assaulted by them. It has further been stated that Birendra Kumar and Kamlesh Verma stood on the stomach of the deceased as a result of which she sustained grievous injury and subsequently died in hospital.

4. Learned counsel for the petitioner submits that



petitioner is one of the family members being the sister-in-law (*gotani*) of the deceased. He further submits that entire family has been made accused in the present case on the basis of general and omnibus allegation whereas there is specific allegation against one Birendra Kumar the brother-in-law (Devar) of the deceased that he stood on the stomach of the deceased due to which she died. He next submits that the said Birendra Kumar has been granted regular bail by this Court in Cr. Misc. No. 31455 of 2023. He also submits that Kamlesh Verma, who is father-in-law of the deceased has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 44129 of 2023.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that petitioner is the *Gotani* and she along with other accused persons assaulted the deceased due to which she died.

6. Learned counsel for the State referring to the post-mortem report submits that on internal examination of the deceased lacerated wound over liver, spleen and both kidney have been found and there was no apparent external injury on the body of the deceased.



7. Regard being had to the submissions made by the parties, taking into consideration the fact that allegation against the petitioner and others is general and omnibus in nature, the co-accused / Birendra Kumar against whom there is specific allegation has been granted regular bail by this Court, the co-accused / Kamlesh Verma, who is the father-in-law of the deceased has been granted anticipatory bail and the petitioner is a lady, as such, I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Daudnagar, Aurangabad in connection with Goh PS Case No. 361 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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