

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34377 of 2023

Arising Out of PS. Case No.-588 Year-2022 Thana- BIHPUR District- Bhagalpur

1. PRAMILA DEVI Wife of Ganouri Singh Resident of village - Korachakka, P.S. - Bihpur, Distt. - Bhagalpur
2. Nutan Devi Wife of Arun Singh Resident of village - Korachakka, P.S. - Bihpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard Kumar Ravish, learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Bihpur P.S. Case No. 588 of 2022 for the offence under Sections 302/34 of the I.P.C. lodged on 24.10.2022 by the informant, Bidyanand Singh.

As per the prosecution story, on the ‘*Deepawali Day*’, the allegation is that the petitioner no. 1 and petitioner no. 2 started abusing the informant’s father which was protested, whereafter it is alleged that their husbands came and assaulted the informant’s father which ultimately led to his death. Accordingly, the F.I.R.



Learned counsel for the petitioners submit that the husband of the petitioner no. 1 and the deceased are own brother and the minors scuffle resulted into the unfortunate death. Further, there is no allegation of assault on the two ladies. Further statement is that the husband of petitioner no. 1, Ganouri Singh is already in judicial custody.

Learned APP opposes the prayer stating that it was the abused/hurted by the petitioners which ultimately led to the unfortunate death.

Considering the fact that the main assailant Ganouri Singh is in custody, these two petitioners are ladies, role of assaulting not attributed to them, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Naugachia, in connection with Bihpur P.S. Case No. 588 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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