

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40351 of 2023

Arising Out of PS. Case No.-797 Year-2020 Thana- MAJHAULIA District- West Champaran

1. GEETA DEVI Wife of Chhotelal Sah Resident of village-Bahuarwa Tola Chainpur, ward No. 6, P.S.-Majhauria, District-West Champaran, Bettiah
2. RINA DEVI Wife of Indrajeet Sah @ Inarjeet Sah Resident of village-Bahuarwa Tola Chainpur, ward No. 6, P.S.-Majhauria, District-West Champaran, Bettiah
3. SANGEETA DEVI Wife of Gorakh Sah Resident of village-Bahuarwa Tola Chainpur, ward No. 6, P.S.-Majhauria, District-West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narayan Sinha, Advocate
Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Jitendra Narayan Sinha learned Counsel
for the petitioners and Mr. Bharat Bhusan learned APP.

The petitioners apprehend their arrest in connection with Majhauria P.S. Case No. 797 of 2020 for the offence punishable under Sections 302, 201/34 of I.P.C lodged on 07.12.2020 by the informant Alka Devi.

As per the prosecution story, on 06.12.2020, there was scuffle by the deceased, son of the informant, with the accused persons. Later he went to attend 'barat' but next morning his dead body was found near the railway track. Accordingly the FIR.



Learned counsel for the petitioners has taken this court to Annexure 2 which is the application of the father of deceased addressed to the Railway Police Station, Saguali to the effect that he may be handed over the body of his son, who has died due to train accident as he don't want to go for the postmortem.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that all the three petitioners are ladies, have no criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioners, in the event of their arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, West Champaran, Bettiah, in connection with Majhauria P.S. Case No. 797 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show their



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)

Jagdish/Jyoti/-

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