

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53109 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- KESARIA District- East Champaran

1. MINA DEVI Wife of Karuna Ram Resident of Village-Derwa Mathiya, P.S.- Kesariya, District-East Champaran, Motihari.
2. SANJU DEVI Wife of Awdhesh Ram Resident of Village-Derwa Mathiya, P.S.-Kesariya, District-East Champaran, Motihari.
3. PUJA DEVI Wife of Ritesh Ram Resident of Village-Derwa Mathiya, P.S.- Kesariya, District-East Champaran, Motihari.
4. LAL MUNI DEVI Wife of Tuntun Ram Resident of Village-Derwa Mathiya, P.S.-Kesariya, District-East Champaran, Motihari.
5. KOSHILA DEVI Nathuni Ram Resident of Village-Derwa Mathiya, P.S.- Kesariya, District-East Champaran, Motihari.
6. NATHUNI RAM Son of Gabhu Ram Resident of Village-Derwa Mathiya, P.S.-Kesariya, District-East Champaran, Motihari
7. SANTOSH THAKUR Son of Ram Shakal Thakur Resident of Village-Derwa Mathiya, P.S.-Kesariya, District-East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-12-2023

1. Heard the parties.

2. The petitioners apprehends their arrest in connection with Kesariya P.S. Case No. 93 of 2023 dated 24.02.2023 registered under Sections 323, 341, 302, 34 of the I.P.C.

3. The prosecution case in short is that the complainant / Kalawati Devi lodged a complaint on 18.10.2019



stating therein that on 11.10.2019 at about 5:30 P.M. the daughter of the complainant was in the house. In the meantime, the accused persons i.e. the petitioners entered into the house and committed murder of complainant's daughter. The son of the complainant informed her about the incident whereupon she came back to her house and the accused persons also assaulted her.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated due to dispute between the co-sharers. The petitioners are the co-sharers of the complainant and next door neighbour also. He further submits that occurrence had taken place on 11.10.2019 and from perusal of the complainant -cum- first information report it appears that the informant / complainant is not the eye witness. Post mortem was conducted on the dead body on 12.10.2019 and first time complaint has been filed by the complainant on 18.10.2019 i.e. after a lapse of seven days and subsequently the learned Magistrate directed for lodging F.I.R. under Section 156(3) Cr.P.C. The petitioners have been implicated in this case after proper deliberations and post mortem conducted on the dead body.

5. Regard being had to the submission made by the



parties, taking into consideration the fact that there is inordinate delay in lodging of the F.I.R. and complaint -cum- F.I.R. has been lodged after post mortem on the dead body was held, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of C.J.M., East Champaran, Motihari in connection with Keshariya P.S. Case No. 93 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

