

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60561 of 2023

Arising Out of PS. Case No.-170 Year-2023 Thana- SUGAULI District- East Champaran

1. Sri Devi wife of Ramchandra Pandit village- Dumari P.S.- Sugauli Dist- East Champaran
2. Ramchandra Pandit son of Late Sukhdeo Pandit village- Dumari P.S.- Sugauli Dist- 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. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 06-12-2023 After some arguments, learned counsel for the petitioner seeks permission to withdraw the application on behalf of the petitioner no. 2 (Ramchandra Pandit).

2. The permission is accorded.

3. Heard Mr. Dhurendra Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

4. The petitioner no. 1 apprehends her arrest in connection with Sugauli P.S. Case No. 170 of 2023, registered for the offences punishable under Sections 302, 120(B) and 201/34 of the Indian Penal Code.

5. The prosecution case is based upon the fardbeyan



of the informant, alleging therein, that in the night of 09.05.2023, there was a marriage ceremony and the son of the informant had gone to see the dance party, however, when he did not return home, the informant went to the place where the marriage was going on, in his search. However, on disclosure made by some of the villagers, the informant along with others went to the house of co-accused Yado Lal Pandit where she found that all the accused persons, including the petitioner no. 1 was present and her son and daughter of Yado Lal Pandit were tied in a rope and all of them were assaulting them. She tried her best and cried to leave her son but went in vain, thereupon, she returned to the village and narrated the story to others and thereafter, all of them reached there, however, it was too late, the son of the informant and the girl were slaughtered and their dead body were found there.

6. Learned counsel appearing on behalf of the petitioner no. 1 submits that from the narrations made in the FIR, it is evident that save and except the omnibus allegation of her presence, there is no material. He next submits that the petitioner being *pattidar* of Yado Lal Pandit, her name has been implicated in this case, moreover, the allegation of assault does not corroborate with the post-mortem report, where no ante-



mortem injuries have been found over the body of the deceased(s). He next submits that even the informant has not made any specific allegation against the petitioner that she anyhow assaulted or attributed any injury to them. So far the allegation of slaughtering is concerned, on this point also there is no eyewitness. There is a counter version of the present case being Sugauli P.S. Case No. 277 of 2023 instituted by daughter-in-law of co-accused Yado Lal Pandit based upon the Complaint Case No. 100 of 2023 filed on 24.06.2023. He lastly submits that the petitioner is a lady having fair antecedent and in fact on account of honour killing, the name of the petitioner has also been implicated because of she being relative of Yado Lal Pandit.

7. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that during the course of investigation all the witnesses have been consistently stated about the presence of the petitioner and the informant, who is eyewitness to the alleged occurrence, has specifically stated that all the accused have actively participated in committing such heinous crime.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no



allegation of any overt act against the petitioner no. 1, apart from the fact that she is a lady, aged about 58 years, and even during the course of investigation save and except her presence, there is no other material suggesting any active participation on her part, let the petitioner no. 1 (Sri Devi) above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran in connection with Sugauli P.S. Case No. 170 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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