

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59486 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- RAJEPUR District- East Champaran

1. Bipin Kumar, S/O Chhotelal Prasad, R/O Village- Kalyanpur, P.S. Rajepur, Dist. East Champaran.
2. Anita Devi, W/O Chhotelal Prasad, R/O Village- Kalyanpur, P.S. Rajepur, Dist. East Champaran.
3. Arti Devi, D/O Chhotelal Prasad, R/O Village- Kalyanpur, P.S. Rajepur, Dist. East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Abhishek Kumar, Advocate
For the Informant	:	Mr. Ajay Kumar Singh and Anu Priyadarshri, Advocates
For the Opposite Party	:	Mr. Nawal Kishore Prasad,A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 14-12-2023 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of the petitioner no. 1, namely, Bipin Kumar and the petitioner no. 3, namely, Arti Devi, as they are minors and hence, their anticipatory bail applications are not maintainable in connection with Rajepur P.S. Case No. 82 of 2023, pending in the court of learned Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari.



2. Permission is accorded.

3. Accordingly, the anticipatory bail application filed on behalf of the petitioner no. 1, namely, Bipin Kumar and the petitioner no. 3, namely, Arti Devi, is dismissed as withdrawn.

4. Learned counsel for the petitioner no. 2 is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

5 Heard learned counsel for the petitioner no. 2, learned counsel for the informant and learned A.P.P. for the State.

6. The petitioner no. 2 is apprehending her arrest in connection with Rajepur P.S. Case No. 82 of 2023 dated 15.04.2023 registered for the offence punishable under Sections 302/34 of the I.P.C.

7. As per prosecution case, due to earlier land dispute, the petitioner no. 2 and other accused persons are alleged to have assaulted the informant with lathi-danda. When his mother came to rescue him, she was also assaulted, due to which, she succumbed to the injuries, during the course of treatment.

8. Learned counsel for the petitioner no. 2 has submitted that she is innocent and has been falsely been



implicated in the present case. It is submitted that general and omnibus allegation has been made against her. It is submitted that the occurrence took place on 12.04.2023 and the F.I.R. was lodged on 15.04.2023 i.e., after three days of the alleged occurrence for which no satisfactory explanation has been given by the prosecution. It is further submitted that in fact, the legs of the informant's mother slipped from the stairs and she fell down on the earth and sustained injury. She is a lady. She has clean antecedent as stated in paragraph no. 3 of the bail application.

9.Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner no. 2.

10. Considering the aforesaid facts and circumstances of the case as well as general and omnibus allegation against her, let the above named petitioner no. 2 (except petitioner no. 1, namely, Bipin Kumar and the petitioner no. 3, namely, Arti Devi), in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Sadar, East Champaran at Motihari in



connection with Rajepur P.S. Case No. 82 of 2023, subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

11. The application stands allowed.

(Chandra Prakash Singh, J)

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