

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71655 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- DAGARUA District- Purnia

1. LUCY @ RUKHSAR Wife of Wahid R/v- Manjhali, P.S.- Dagarua, District- Purnia
2. NAGMA Wife of Muslim R/v- Manjhali, P.S.- Dagarua, District- Purnia
3. MUSLIM Son of Late Shamsul R/v- Manjhali, P.S.- Dagarua, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Bidhu Ranjan, Advocate Mr Ashok Kumar Jha, Advocate
For the Informant	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 147, 148, 149, 341, 323, 325, 302, 504 and 506 of the Indian Penal Code.

As per prosecution the case, an altercation took place between Md. Sagir and Wahid over the issue of driver Guddu and the petitioners and the co-accused persons assaulted Md.



Sagir with *lathi, danda*, rod, punch and leg, who suffered internal injuries and became unconscious. When Md. Sagir was taken to GMCH, Purnia he was declared dead by the doctors.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. He has submitted that as per the postmortem report there is no external injury to the deceased except mild swelling on the left side of chest of the deceased. The postmortem report also reveals that lungs, heart, kidney, liver and spleen is normal and the cause of death cannot be determined and viscera has been sent for forensic test. The petitioner no. 1 and 2 are ladies and the petitioner no. 1 Luci @ Rukhshar is perganant as per the medical report dated 04.01.2023 filed on behalf of the petitioner. The petitioner no. 2 is aged about 69 years and the petitioner no. 3 being male is aged about 70 years old. There is general and omnibus allegation against the petitioners. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State as well as learned counsel for the informant has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned in connection with Dagarua P.S. Case No. 189 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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