

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73301 of 2022

Arising Out of PS. Case No.-358 Year-2021 Thana- CHAKIA District- East Champaran

1. Raja Babu Son Of Ramnarayan Sah R/O Village- Balochak, P.S.- Chakia, District- East Champaran
2. Rajkishore Sah Son Of Ramnarayan Sah R/O Village- Balochak, P.S.- Chakia, District- East Champaran
3. Yodha Sah Son Of Shiv Sah R/O Village- Balochak, P.S.- Chakia, District- East Champaran
4. Ripu Devi Wife Of Rajesh Sah R/O Village- Balochak, P.S.- Chakia, District- East Champaran
5. Sarita Devi Wife Of Raja Babu R/O Village- Balochak, P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

The accused petitioners are named in F.I.R. and apprehending their arrest in connection with Chakiya P. S. Case No. 358 of 2021 registered for the offences punishable under Sections 323, 325, 302/34 of the Indian Penal Code.

The allegation against all above named petitioners is to commit murder of the mother of the informant, along with



other co-accused persons/family members, by assaulting through lathi, rod etc, where occurrence is alleged to be founded upon trivial issue arises out of burning crackers on the occasion of Chhat Puja.

Learned counsel appearing on behalf of the petitioners submitted that allegation against petitioners is very much general and omnibus, where implication appears out of previous enmities, when the mother of informant died due to certain unexplained reasons. It is submitted that in the background of allegation that deceased was assaulted by seven (7) co-accused persons by deadly weapons, causing her death on spot, non-availability of any external injuries upon dead body of the deceased as per postmortem report making allegations highly improbable on its face. It is further submitted that not even internal injuries were noticed during postmortem of the deceased, where cause of death remain uncertain for ascertaining of which viscera etc. were preserved. It is also submitted that petitioner nos. 4 and 5 are ladies, where all petitioners are persons of clean antecedent.

Learned APP for the State, while opposing the prayer of anticipatory bail conceded that as per postmortem report of deceased, no injuries either external or internal are available.



Considering the aforesaid facts and circumstances, as no external/internal injuries available on dead body of the deceased, as per postmortem report, in the background of allegation as she was also assaulted by seven co-accused persons by deadly weapons, causing her death on the spot, where cause of death is yet to ascertained, let all above named petitioners, in the event of their arrest or surrender before learned Court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari/concerned Court, in connection with Chakiya P. S. Case No. 358 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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