

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7346 of 2024

Arising Out of PS. Case No.-1116 Year-2023 Thana- MADHEPURA District- Madhepura

1. Mamta Devi Wife of Dinesh Ram
2. Dinesh Ram Son Of Late Parmeshwari Ram
Both Resident of Village Nadhi, Ward No.2, Ps- Bharachi, District
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. The learned counsel for the petitioners submit that
petitioner no.1 is a person with clean antecedent and is a women
and petitioner no.2 has antecedent of one case, but then the said
case is of the year 2000. It is next submitted that the informant
alleges that her mother went to the house of petitioner no.2 to
make complaint regarding quarrel between the children, when it
is alleged that the accused persons including the petitioner
became furious and brutally assaulted her with lathi, danda, kick



and fist, on account of which she became unconscious and thereafter she was taken to Sadar Hospital, Madhepura, where she died during the course of treatment. The learned counsel submits that the allegation of assault is general and omnibus in nature. It is also submitted that the informant is not an eye witness to the occurrence. It is next submitted that petitioners will not abscond rather will cooperate in the investigation.

4. The learned APP opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioner above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Madhepura (Bharahi O.P.) P.S. Case No.1116 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite



giving assurance to this Court are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioners.

7. It is further made clear that, in the event, if the police after investigation files a charge sheet connecting the petitioners with the offence, in that event the present anticipatory bail order shall loose its effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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