

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13767 of 2024

Arising Out of PS. Case No.-267 Year-2023 Thana- PANCHRUKHI District- Siwan

1. Nirmala Devi Wife of Motichand Ram Resident of Village- Mandrauli P.S. Pachrukhi M.H. Nagar Distt.- Siwan
2. Amita Devi Wife of Gopichand Ram Resident of Village- Mandrauli P.S. Pachrukhi M.H. Nagar Distt.- Siwan
3. Bharti Kumari Daughter of Motichand Ram Resident of Village- Mandrauli P.S. Pachrukhi M.H. Nagar Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Shyam Sundar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard Ms. Kumari Anupam, learned counsel for the petitioners, Mr. Jitendra Kumar Singh, learned APP and Mr. Shyam Sundar Kumar, learned counsel appearing on behalf of the informant.

2. The petitioners are apprehending their arrest in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 267 of 2023 for the offence under Sections 341, 323, 302, 504, 506 and 34 of the I.P.C. lodged on 07.10.2023, by the informant, Meena Devi.

3. As per the prosecution story, the informant alleged that both the informant and the accused are agnates, there was



some construction work going on for which bricks were kept in the courtyard. The accused objected to it, were assured that it will be removed on the next day, but after abuse specific allegation against Moti Chand Ram is of using rod to hit the informant's husband twice which proved fatal. The allegation against the other accused persons of assault is/are also there. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the specific allegation is against the accused Moti Chand Ram and the FIR has been extended to implicate these ladies who have absolutely no role to play.

5. Learned counsel appearing on behalf of the informant submits that the deceased was a crippled man and he had assured them of removing the brick on the very next day as it would have been used in the construction, the accused persons having no patience, assaulted him which proved fatal. He further submits that the role of these petitioners cannot be ignored in the said assault.

6. Considering the submissions put forward by the parties as also that the specific allegation is against Moti Chand Ram who hit the informant's husband which resulted into his



death, all the three petitioners are ladies, do not have criminal antecedent and no specific is/are levelled against them, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Siwan in connection with Pachrukhi (M.H. Nagar) P.S. Case No. 267 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

