

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27086 of 2024

Arising Out of PS. Case No.-308 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Kishori Sharma S/O Late Yogi Sharma R/O Village- Hawar Sheikh, P.S- Majhauria, Distt.- West Champaran (Bihar).
2. Pulis Thakur S/O Late Ramsharan Thakur R/O Village- Hawar Sheikh, P.S- Majhauria, Distt.- West Champaran (Bihar).
3. Baldeo Thakur S/O Late Ramdayal Thakur R/O Village- Hawar Sheikh, P.S- Majhauria, Distt.- West Champaran (Bihar).
4. Yogi Thakur S/O Late Bigu Thakur R/O Village- Hawar Sheikh, P.S- Majhauria, Distt.- West Champaran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate
For the State	:	Mr. Yogendra Kumar, A.P.P.
For the Informant	:	Ms. Preeti Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-06-2024 The pre-arrest bail application with regard to petitioner No. 4, namely, Yogi Thakur has already been dismissed as withdrawn *vide* order dated 18.04.2024.

2. Heard learned counsel for the petitioners and the State.

3. Petitioner Nos. 1 to 3 apprehend arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. As per the prosecution case, on the alleged date and time of the occurrence, all the F.I.R. named accused persons



including these petitioners entered the house of the informant and assaulted the informant. It is further alleged that petitioner No. 1 pushed wife of the informant on the ground due to which she fell down and died in the hospital during treatment.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to land dispute. From bare perusal of the F.I.R. it is evident that there is no allegation of any assault against the petitioners and petitioner no. 1 is only alleged to have pushed the wife of the informant. In the autopsy report, no external injuries have been found on the person of deceased. In fact, there was quarrel between the informant and his wife and thereafter wife of the informant became angry and committed suicide by consuming poison. Medical evidence does not support the prosecution case.

6. Learned counsel for the informant vehemently opposed the bail application and submitted that petitioners are named in the F.I.R. and till date cause of death has not been ascertained.

7. Considering the accusation, post-mortem report and medical evidence, this anticipatory bail is allowed and it is ordered that let the above named petitioner Nos. 1 to 3 in the event of their arrest/surrender before the court below within a



period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P. S. Case No. 308 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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