

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45551 of 2024

Arising Out of PS. Case No.-163 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. Ramesh Das @ Ramesh Kumar Son of Late Rajendra Das Resident of village - Chakchuhar, P.S.- Motipur, District - Muzaffarpur.
2. Rekha Devi Wife of Ramesh Das @ Ramesh Kumar Resident of village - Chakchuhar, P.S.- Motipur, District - Muzaffarpur.
3. Babuni Devi Wife of Late Rajendra Das Resident of village - Chakchuhar, P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nachiketa Jha, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, APP
	Mr. Vinod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Motipur P.S. Case No. 163 of 2020 dated 16.07.2020 instituted for the offence punishable under Section 302/34 the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date and time of occurrence, the petitioners along with other accused persons, armed with lathi-danda, sharp weapon (*dabiya*), came at the house of the informant and started abusing him. On asking the reason by the mother of the informant, they assaulted



his mother due to which she sustained grievous injury on her head. Thereafter they all assaulted her till death.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the husband of petitioner no. 2 and petitioner no. 3 is the mother of petitioner no. 1. Learned counsel for the petitioners submits that both the parties are agnates. There is no specific allegation against the petitioners rather the allegation against the petitioners are general and omnibus. Learned counsel for the petitioners submits that the date of occurrence is 14.07.2020, but the F.I.R. has been lodged on 16.07.2020 which has been produced before the learned Magistrate on 27.07.2020 without giving any plausible explanation. Learned counsel for the petitioners further submits that from perusal of the F.I.R, it is evident that the informant, who claims herself to be an eye witness of the case has lodged the case after 42 hours of the alleged occurrence. Learned counsel for the petitioners submits that the investigating officer submitted Final Form against the petitioner on 30.11.2023, but the learned Magistrate took cognizance on 27.02.2024 differing from the Final Form. Learned counsel for the petitioners further submits that inquest report was prepared on 14.07.2020 and post-mortem was done on 15.07.2020 at 11.45 am. Thereafter the present F.I.R. has



been lodged on 16.07.2020. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that there is allegation against all the accused persons including the petitioners of assaulting the mother of the informant, namely, Indrasan Devi, due to which she died. Learned counsel for the informant submits that the allegation levelled against the accused persons has been supported by post-mortem report, which shows that one lacerated wound on middle and upper part of forehead 2" x 1/4" bone deep and abrasion 2 1/2" x 1/2" only on right upper part of eye were sustained by the deceased, due to which she died. Learned counsel for the informant further submits that the doctor has opined that the above injuries were caused by hard and blunt object.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Motipur P.S. Case No. 163 of 2020, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. (West),



Muzaffarpur, subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Khatim Reza, J)

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