

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57473 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- CHOUTARWA District- West Champaran

1. Kishun Raut S/O Late Musafir Raut R/O Village- Manpur Tesrahiya, P.S-
Chautarwa (BATHUWARIYA O.P.), Dist.- West Champaran.
2. Fekani Devi W/O Kishun Raut R/O Village- Manpur Tesrahiya, P.S-
Chautarwa (BATHUWARIYA O.P.), Dist.- West Champaran.
3. Babli Devi @ Shila Kumari W/O Guddu Raut R/O Village- Manpur
Tesrahiya, P.S- Chautarwa (BATHUWARIYA O.P.), Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma
For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 341, 323, 354, 147, 149, 379, 302, 504, 506 of the
Indian Penal Code.

3. The learned counsel for the petitioners submit that
the petitioner nos. 1 and 2 have antecedent of one case and
petitioner no. 3 is a persons with clean antecedent and petitioner
nos. 2 and 3 are women and the informant alleges that on
29.01.2024, 17 names accused persons including the petitioner
on the issue of cleanliness in the school came armed with lathi
and rod and assaulted her husband, causing injury on his head,
thereafter injured was taken to Lauriya Hospital from where he



was referred to G.M.C.H. and from there to Gorakhpur, where he died during the course of treatment on 04.02.2024.

4. The learned counsel for the petitioners submit that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that an FIR was instituted against 17 named persons that on issue of cleanliness in the school, the occurrence is alleged to have taken place. It is also submitted that allegation of assault is not specific. It is next submitted that had 17 persons assaulted the deceased, in that event, he would have suffered multiple injuries, but then that is not the case.

5. The learned APP for the State opposes the anticipatory bail application and submits that once person has died and if the privilege of anticipatory bail is granted to the petitioners, they may abscond on which the learned counsel appearing on behalf of the petitioners submit that petitioners will not abscond rather will cooperate in the investigation to prove their innocence that they had not participated in the occurrence of assault.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bagaha, West Champaran in connection with Chautarwa (Bathwaria O.P.) P.S. Case No. 26 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 bonds of the petitioners.

8. Let a copy of this order be send to the concerned Police Station through the learned trial court.

9. **The application stands allowed.**

(Satyavrat Verma, J)

Sudhanshu/-

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