

Court of 4th Additional Sessions Judge, Saran

ABP No. 3216/2019 arising out of Marhowrah PS Case No. 702/2019 registered under sections 341, 323, 324, 325, 307, 504, 506/34 of IPC, pending in the court of CJM, Saran

Subhan Ansari and another versus state of Bihar

16.11.2019

Order

This anticipatory bail petition has been filed on behalf of accused petitioners namely Brij Bihari Ray, Ramesh Ray, Lal Babu Ray, Kalawati Devi, Fulpati Devi, Sudari Devi, Seema Devi and Tetari Devi apprehending their arrest in Marhowrah PS Case No. 702/2019 registered under sections 341, 323, 324, 325, 307, 504, 506/34 of IPC, pending in the court of CJM, Saran at Chapra. Copy of the petition has been supplied to the learned counsel for the prosecution.

Heard learned counsel Sri Anil Kumar Singh for petitioners, Sri Lallan Pd, the learned counsel for the informant and also heard learned APP for State.

It is submitted on behalf of petitioners that petitioners are innocent and have been falsely implicated in this case. It is further submitted that offences as alleged and levelled against the petitioners are quite false, baseless and concocted. They have not committed any offence.

On the other hand, the learned APP and the learned counsel for the informant opposed the prayer for bail of petitioners.

Prosecution case, in short, is as follows:-on 09.10.2019 at about 5 PM informant had gone to bring his cattle which were tied in khunta situated behind the panchayat building, thereupon, Brij Bihari Rai came hurling abuses upon him and instigated to commit marpit. Thereupon, Ramesh Rai, Lal Babu Rai, Ramawati Devi, Fulmati Devi, Sundari Devi, Sima Devi and Tetari Devi came lashed with arms and ammunition, Brij Bihari Rai assaulted with farsa with intention to kill him on his head, consequently, bleeding started from his head and informant brought grounded. In the meanwhile informant's daughter Jaimala Devi and his wife, Shanti Devi came, thereupon, Ramesh Rai assaulted with farsa upon Jaimala Devi on her head, consequently, her head was injured and she fell on the ground. Lawanti Devi held Shanti Devi and grounded her. Consequently, she also got injured and unconscious.

Sundari Devi snatched golden chain from possession of Jaimala Devi. The persons living in the vicinity came and they took the injured to civil hospital, Chapra.

So far petitioners Fulpati Devi, Sima Devi and Tetari Devi are concerned, nothing incriminating has been attributed against them. So far allegation against Sundari Devi is concerned, allegation of theft of golden chain has been attributed, but, police has not registered a case under section 379 of IPC. Moreover, allegation under section 379 IPC against Sundari Devi appears super added and ornamental. These petitioners are women and they do not appear to be indulged in the alleged occurrence, therefore, they are admitted on anticiptory bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each subject to satisfaction of the learned court below and subject to conditions as laid down under section 438(2) of CrPC. Bailors must be co-villagers. However, on perusal of case diary it appears, altogether five injuries have been reported at the person of informant Sarva Nand Rai. Two injuries have been inflicted upon the person of Jai Mala Devi and one injury has been reported on the person of Pursuttam Rai. These injuries were allegedly caused by accused Brij Bihari Rai, Ramesh Rai and Kalawati Devi. Other accused persons namely Brij Bihari Rai, Ramesh Rai, Lal Babu Rai who are men and Kalawati Devi who allegedly were indulged in committing alleged offence, therefore, their prayer for anticiptory bail is rejected. (Dictated)

4th Additional Sessions Judge,
Saran at Chapra