

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20369 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -SAHARSA District- SAHARSA

- =====
1. Punam Devi W/o Binod Kumar
 2. Binod Kumar @ Binod Sharma S/o Fuldeo Mistri Both Resident of Village Amarpur, P.S. Sonbarsa Kachari, District Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar Jha, Advocate.

For the Opposite Party : Mr. R.P.S Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioners, learned counsel for the State as well as learned counsel for the informant.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under section 302/34 of the I.P.C.

Sister of the informant was married with one Sanjay Mistri in the year, 2002 and out of the wedlock there are two children. Sanjay Mistri became mentally ill and thereafter the in-laws family members started torturing the victim and on 19.01.2015 the informant came to know that his sister has been burnt to death.

Submission is of false implication and that the



informant and the witnesses are not the eye witness to the occurrence and the petitioner no.1 is married sister of husband of the deceased, whereas, petitioner no.2 is Bahnoi of husband of the deceased. In this case similarly situated co-accused Sita Devi, Nitu Devi and Shushil Sharma have been allowed pre-arrest bail by another Bench of this Court vide Cr. Misc. No. 23169 of 2015 by order dated 07.07.2015 and further co-accused Ved Prakash Bharti has also been allowed pre-arrest bail vide Cr. Misc. No. 10420 of 2015 by order dated 23.04.2015 and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that to grab the property the petitioners and others have committed the crime which have been supported by the witnesses during investigation, but the learned counsel is not in a position to distinguish the case of the petitioners from those co-accused who have been allowed pre-arrest bail.

In the facts and circumstances as stated above, the petitioners in case of their arrest or surrender within one month from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the

satisfaction of. C.J.M. Saharsa in Sadar Saharsa P.S. Case No. 39
of 2015, subject to the conditions as laid down in section 438 (2)
of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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