

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19891 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -ROH District- NAWADA

- =====
1. Dharamvir Manjhi son of Karu Manjhi,
 2. Upendra Manjhi, Son of Karu Manjhi, Both resident of village Kharijama, P.S. Roh, District- Nawada

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Durgesh Nandan, Advocate.

For the Opposite Party : Mr. Ram Bachan 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 as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 498 (A) and 302/34 of the I.P.C.

Samo Devi, daughter of the informant was married with petitioner no.1 thirteen years ago and out of wedlock there are three sons and a daughter. The petitioner no.1 after taking drink used to assault her and on 26.08.2014 Rohit Kumar aged about ten years, the grand son of the informant, was driven out from the house after assaulting and then he came and told the informant that the petitioners have brutally assaulted his mother

Samo Devi and will kill her and ultimately her dead body was found near pan of Pipra Aahar, Village- Chakwara.

Submission is of false implication and that there is no any witness of the occurrence. As per inquest report the witnesses have stated that any one had thrown the dead body of the deceased after killing her and as per postmortem report cause of death is due to throttling. The dead body was found at the Aahar of the village of the informant and it goes to suggest that the deceased was in her Naihar.

The learned A.P.P. opposes the prayer for pre-arrest bail of the petitioners by submitting that the son of petitioner no.1 who is aged about ten years has stated that the petitioners were assaulting his mother and they after assaulting him also drove out from the house and then he went to the house of his grand father (Nana) and narrated everything. Further other witnesses have also given similar statement in paragraphs 5 and 18 of the case diary and in the postmortem report cause of death is Asphyxia due to throttling.

In the facts and circumstances as stated above, noticing the allegation attributed against the petitioners serious in nature, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners. Accordingly, their such prayer stands

rejected in connection with Roh P.S. Case No. 57 of 2014 pending
in the court of Sri Sarad Chandra Kumar, J.M. Ist Class, Nawada.

(Jitendra Mohan Sharma, J)

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