

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40881 of 2014

Arising Out of PS.Case No. -98 Year- 2014 Thana -BIBHUTIPUR District- SAMASTIPUR

- =====
1. Mala Devi, W/o Bhola Sahni
 2. Bhola Sahni, S/o Ramu Sahni
 3. Ramu Sahni, S/o Late Saryug Sahni
- All resident of village- Belsandi Tara, P.S.- Bibhutipur, District- Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 24-04-2015 Learned counsel for the petitioners is permitted to make correction in the father's name of petitioner no. 3 in course of the day.

Heard learned counsel for the petitioners and the State.

This is a petition for grant of anticipatory bail for the offences punishable under Sections 302/34 of the Indian Penal Code.

There is specific allegation against the petitioners that Bhola Sahni assaulted the deceased by bricks, Arjun Sahni assaulted by bamboo stick on the shoulder and Mala Devi assaulted by rod on the mouth by which all the teethes were broken and blood started oozing out. However the medical report suggests no marginal injury and further the cause of death has been opined consequence of the cardio respiratory

failure. However the occurrence alleged to have taken place on 06.05.2014 at 11.00 P.M. and the post-mortem conducted on 07.05.2014 at 4.30 P.M. Further it has been opined that the time elapsed since death was 36 hours and hence circumstances made out does not support the case of the prosecution.

Hence, having regard to the facts and circumstances of the case, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bibhutipur P.S. Case No. 98 of 2014 to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera, Samastipur subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Gopal Prasad, J)

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