

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38394 of 2015

Arising Out of PS.Case No. -375 Year- 2011 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Chandan Sahani Son of Upendra Sahani
 2. Soni Devi wife of Chandan Sahani.
 3. Kauleshwari devi wife of Upendra Sahani All are resident of Village- Rewa, P.s. Saraiya, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Lallan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-11-2015 Heard both sides.

The petitioners apprehend their arrest in Saraiya P.S. case No. 375 of 2011 under Section 302 and other sections of the Indian Penal Code.

The informant, Indra Devi, alleged that her husband, his brother and father had come on the eve of Dipawali. Her husband had spent Rs. 40,000/- in worship after borrowing the money and for that there was some dispute. Her husband had gone to withdraw money from ATM at Saraiya for payment of labourer. When her husband came Upendra Sahni, Chandan Sahni and Amarnath Sahni put him down on the ground and assaulted him with fists and slaps. In the meantime Soni Devi and Kauleshwari

Devi also came and assaulted her husband. Soni Devi handed over sickle to Amarnath Sahni who inflicted injury on different parts of the body of her husband and her husband consequently died.

The learned counsel for the petitioners submits that Amarnath Sahni was put on trial and he has already been acquitted. The informant compromised the case but from perusal of the FIR itself, it appears that the petitioners are also alleged to have assaulted the husband of informant and they were absconding for last four years.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

The petitioners, if so advised, may surrender in the court below, i.e., learned Sub-divisional Judicial Magistrate, Muzaffarpur (West) Saraiya P.S. case No. 375/2011, and the court below shall consider the prayer for regular bail without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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