

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41506 of 2015

Arising Out of PS.Case No. -104 Year- 2015 Thana -BARHARIA District- SIWAN

- =====
1. Durga Sah Son of late Radha Kishun Sah
 2. Sudarshan Sah
 3. Arbind Sah
 4. Jiut Sah
 5. Upendra Sah. All sons of Durga Sah. All residents of Village- Bahuara, Police Station - Goreya Kothi, district Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

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

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 16-10-2015

Heard learned counsel for the petitioners and the State.

Petitioners are apprehending their arrest in connection with a case registered for the offence under Sections 341, 323, 315/34 of the Indian Penal Code. They are named in the First Information Report along with lady members of their family.

It is submitted on behalf of the petitioners that wife of the informant, Sarita Devi suffered abortion because of medical reasons, but taking advantage of the situation, entire family members have been implicated. It is further submitted that from perusal of the First Information Report, it will appear that abortion had taken place on 04.04.2015, but Sarita Devi proceeded for

medical treatment on 07.04.2015 and the written report for institution of the present case was filed on 08.04.2015, as such, entire allegation is perhaps false.

Let petitioners above named surrender in the court of Chief Judicial Magistrate, Siwan in connection with Barharia P.S. Case No. 104 of 2015 within four weeks from the date of receipt/ production of a copy of this order in the court below whereafter the court below will call for the case diary and verify from the same whether there is any valid reason for delay in treatment of Sarita Devi. In case, court below is satisfied that the delay in the treatment is explained, the court below shall pass appropriate order in accordance with law, otherwise admit the petitioners to the privilege of bail.

Until verification in terms of this order, no coercive steps be taken against the petitioners.

(V.N. Sinha, J.)

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