

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.663 of 2015

Arising Out of PS.Case No. -860 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Pramila Devi Wife of Ashok Kumar Sah @ Ashok Kumar Shah
2. Ashok Kumar Sah @ Ashok Kumar Shah Son of Late Anup Lal Sah
Both Rdesidents of Mohalla - Mandroja, Jagarnath Suri Lane, Police Station
- Tatarpur, District - Bhagalpur.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Masleh-Uddin Ashraf, Advocate.

For the Opposite Party/s : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 30-01-2015 Heard both sides.

The petitioners apprehend their arrest in Kotwali
(Tatarpur) P.S. Case No. 860 of 2014, registered for the offences
punishable under Section 307 and other Sections of the Indian Penal
Code and Section 27 of the Arms Act.

According to the prosecution case there was quarrelling
between Md. Munna and Pappu Sonar and thereafter it is alleged that
the petitioners being the father and mother of Pappu Sonar exhorted to
fire, on such Pappu Sonar opened fire on Md. Munna, but the shot hit
the informant Mithilesh Kumar Sah.

Learned counsel for the petitioners submits that the
petitioners are father and mother of Pappu Sonar. It is highly

improbable that the parents exhort their son to fire. The allegation is made with a view to implicate the old parents of Pappu Sonar.

On the other hand, learned counsel for the State opposed the prayer for anticipatory bail.

On perusal of record, it appears that the informant alleged that under the patronage of parents Pappu Sonar threatened and opened fire, but there is no allegation of exhorting against the petitioners.

Considering the facts aforesaid and the fact that the petitioners are father and mother of Pappu Sonar who is not accused, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Tatarpur) P.S. Case No. 860 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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