

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32873 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -NAUTAN District- SIWAN

- =====
1. Dinanath Sah son of Late Nathuni Sah
 2. Usha Devi Wife of Dinanath Sah
 3. Gita Kumari
 4. Sunita Kumari both daughter of Dinanath Sah
 5. Sunny Kumar son of Dinanath Sah All resident of village - Hasuan, P.S. Nautan, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 04-02-2015

Heard both sides.

The petitioner nos. 2 to 5 Usha Devi, Gita Kumari, Sunita Kumari and Sunny Kumar apprehend their arrest in Nautan P.S. Case No. 56 of 2014, registered for the offences punishable under Sections 307 and other Sections of the Indian Penal Code.

Sudama Sah the informant named the petitioners and others and alleged that they all threw conc. acid from the roof in which the informant, his brother Vishnu Sah got burn injury.

Learned counsel for the petitioners submits that from the side of the petitioners Nautan P.S. Case No. 59 of 2014 was registered in which Dinanath Sah, husband of petitioner no. 2 alleged that Brahma Sah and Vishnu Sah threw conc. acid then his daughter and other

family members got burn injuries. It is further submitted that the informant and Dinanath Sah the husband of petitioner no. 2 are uncle and nephew. The petitioner nos. 3 to 5 are daughters and son of Dinanath Sah. Other accused persons have already been enlarged on bail. The case is compromised.

Learned APP, however, opposed the prayer for anticipatory bail of the petitioners.

On perusal of records, it appears that there is very specific allegation against the petitioners, that the petitioners threw conc. acid causing burn injury to Sudama Sah and his family members, hence, I am not inclined to enlarge the petitioners nos. 2 to 5 Usha Devi, Gita Kumari, Sunita Kumari and Sunny Kumar on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer shall be considered on its own merit without being prejudiced by this order on the same day, taking into account that the accused persons of counter case have already been enlarged on bail and the case is compromised.

(Prabhat Kumar Jha, J.)

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