

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38041 of 2014

Arising Out of PS.Case No. -27 Year- 2014 Thana -POTHIYA District- KISANGANJ

- =====
1. Zahidur Rahman @ Zahiruddin Son of Late Bhajua
 2. Basiran Wife of Zahidur Rahman @ Zahiruddin
 3. Bijli daughter of Zahidur Rahman @ Zahiruddin
 4. Wahid Son of Hasiruddin
 5. Sarmija Wife of Loli @ Alam
 6. Rehana Wife of Irfan
- All resident of village- Satbolia, Police Station- Pothia Paharkatta,
District- Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Hussain

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 23-06-2015 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Pothia (Paharkatta) P.S. Case No. 27 of 2014 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

Admittedly, petitioners are family members of the
deceased and as per prosecution case, the petitioner no. 2 had
taken some money from the deceased and when deceased
demanded his money, he was assaulted by the petitioners as a

result thereof, he died in course of his treatment.

From perusal of the case diary, it would appear that petitioner no. 1 who happens to be father of the deceased as well as one co-accused, Loli @ Alam assaulted the deceased by means of lathi and so far as rest petitioners are concerned, there is no specific allegation of assault against them.

Considering the aforesaid facts and circumstances as well as submissions of the parties, **the prayer for anticipatory bail of petitioner no. 1, namely, Zahidur Rahman @ Zahiruddin stands rejected.**

So far as rest petitioners are concerned, it is ordered that petitioners no. 2, 3, 4, 5, 6, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released 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 Sri S.K. Manjhi, Judicial Magistrate 1st Class, Kishanganj in Pothia (Paharkatta) P.S. Case No. 27 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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