

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44619 of 2015**

Arising Out of PS.Case No. -34 Year- 2013 Thana -KHIRHAR District- MADHUBANI

- =====
1. Satya Narayan Sah Son of Bache Lal Sah
  2. Babu Saheb @ Basu Sah @ Basudeo Sah Son of Late Hirdai Sah
- Both resident of Village - Bisar, P.S. - Khirhar, District - Madhubani.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate  
For the Opposite Party/s : Mr. A.Haque Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      14-10-2015                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners seek pre-arrest bail in connection with  
Khirhar P. S. Case No. 34 of 2013 registered under Sections  
302/201 of the Indian Penal Code.

According to the prosecution case, a dead body of an  
unknown lady aged about 50-55 years, was found floating in the  
Thumhan river by *Chaukidar* Rudal Paswan on 25.07.2013. The  
*Chaukidar* has stated that it appears that some unknown person  
had killed the lady and in order to conceal the crime, threw the  
body in the river. On the basis of *fardbeyan* of the *Chaukidar*, the  
aforesaid case was registered against unknown persons.

It is contended that the petitioners are neither named in the FIR nor any incriminating article has been recovered from their possession.

It would appear from perusal of the impugned order that in course of investigation, several witnesses have stated about involvement of the petitioners in alleged offence.

Regard being had to the serious nature of the offence and the fact that the matter is still under investigation in which the complicity of the petitioner has been found by the police during investigation, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the application is rejected.

**(Ashwani Kumar Singh, J.)**

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