

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43991 of 2016

Arising Out of PS.Case No. -102 Year- 2016 Thana -PASRAHA District- KHAGARIA

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1. Rajendra Singh S/o Sribdhari Singh
 2. Gopal Kumar S/o Rajendra Singh
 3. Uttam Singh S/o Shivdhari Singh
 4. Disi Singh @ Disi Kumar S/o Uttam Singh
 5. Shambhu Singh S/o Palakdhari Singh
 6. Nityanand Singh @ Nityanand Kumar S/o Palakdhari Singh
 7. Maya Devi w/o Rajendra Singh
 8. Nandiya Devi w/o Uttam Singh
 9. Kabita Devi w/o Shambhu Singh
 10. Menka Kumari @ Menka Devi w/o Nityanand Singh, All are residents of Village - Pasraha, P.S. - Pasraha, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 149, 341, 323, 308, 302 and 504 of the Indian Penal Code.

The prosecution case, in brief, is that on the alleged date and time of occurrence the accused persons including the petitioners were installing hand-pipe upon the land of the informant. On hearing this, the family members of the informant



including his wife and others reached there and put objection, upon which the accused persons began to assault them. When the informant and others reached at the P.O., the accused persons began to assault them by lathi and hasua. The injured were carried to Hospital. During course of treatment wife of the informant died.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. General and omnibus allegation has been made. No specific injury has been attributed against the petitioners. The case was instituted for an offence under Section 308 I.P.C. along with other Sections. Later on Section 302 I.P.C. was added after the death of the deceased. The alleged occurrence is said to have taken place due to land dispute between the parties. As far as Petitioner Nos.7, 8, 9 and 10 are concerned, they are ladies.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner Nos.7, 8, 9 and 10, above named, who are ladies, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail

on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Pasraha P.S. case No.102 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As far as petitioner Nos.1 to 6 are concerned, I am not inclined to extend the privilege of anticipatory bail to them. Their prayer for anticipatory bail is rejected.

Anyhow if the petitioner Nos.1 to 6 surrender in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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