

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1588 of 2016

Arising Out of PS.Case No. -172 Year- 2015 Thana -UJIYARPUR District- SAMASTIPUR

=====

1. Devendra Bharti @ Devendar Bharti S/o Ladoo Lal Bharti
2. Kailash Bharti S/o Ladoo Lal Bharti
3. Ashok Bharti S/o Yugal Bharti All residents of Village Akaha Sanmasi
Tol; P.S. Ujiarpur; District Samastipur. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-01-2016

Heard learned counsels for the petitioners and the

State

The petitioners are apprehending their arrest in a

case registered for the offences punishable under Sections 302/34

of the Indian Penal Code.

The prosecution case is that on 24.9.2015 at 4 P.M.

Udai Bharti, Devendra Bharti (Petitioner No.1), Kailash Bharti
(petitioner No.2), Sanjay Bharti, Ashok Bharti (petitioner No.3)

and Jay Shankar Bharti came to the door of the informant and

asked her to send her second daughter namely Munni when the

husband of the informant showed inability to send the daughter to

her inlaws' house then on the order of co accused Devendra

Bharti, Udai Kumar Bharti assaulted indiscriminately to the

husband and daughter of the informant. The husband of the

informant fell down and became unconscious when the village

doctor Chhotu Bharti came and gave injection, thereafter the husband of the informant died. It is submitted by the learned counsel for the petitioners that no overt act has been alleged against the petitioners. No injury has been received by any one including the husband of the informant. The postmortem report suggests that no external injury was found on the body of the informant's husband by the doctor during postmortem. The cause of death has also not been ascertained and the viscera has been preserved. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that overt act has not been alleged against the petitioners and the accusation is not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Dalsinghsarai in connection with Ujjiarpur P.S. Case No.172 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

BKS/-

U		T	
---	--	---	--