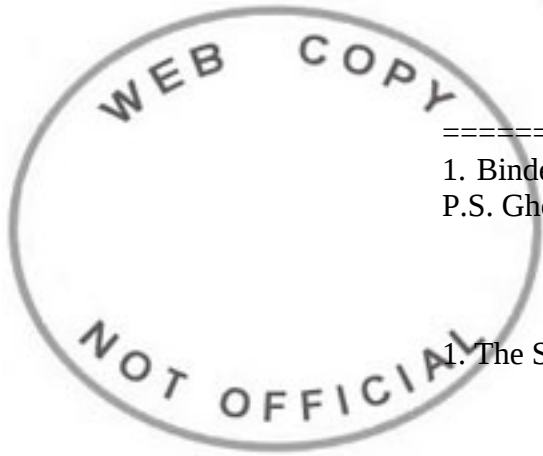




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2364 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Bindeshwari Sah S/o Late Lagan Sah R/o Village Bijbani, P.O. Bijbani,
P.S. Ghorasahan, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.2474 of 2016

Arising Out of PS.Case No. -395 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Kedar Sah Son of Bindeshwari Sah
2. Raghu Sah Son of Bindeshwari Sah Both R/o village - Bijbani, P.O.
Bijbani, P.S. Ghorasahan, District - East Champaran, Motihari

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.2364 of 2016)

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. G.S.Gupta(App)

(In Cr.Misc. No.2474 of 2016)

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 01-03-2016 Heard learned counsel for the petitioners, learned counsel

for the informant and learned counsel appearing on behalf of the

State.



The petitioner, namely, Bindeshwari Sah in Criminal Miscellaneous No. 2364 of 2016 and petitioners, namely, Kedar Sah and Raghu Sah in Criminal Miscellaneous No. 2474 of 2016 are apprehending their arrest in connection with Ghorasahan (Jitna) P.S. Case No. 395 of 2015 (G.R. Case No. 1501 of 2015), registered for offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Having heard all the parties and perused the case diary, it appears that though the main allegation is against one Bhuneshwar Sah, the husband of the deceased, the petitioners, namely, Bindeshwari Sah and Kedar Sah also participated in the *Marpit* which subsequently led to the victim lady being attacked by the knife by her husband resulting in her death.

It is submitted by learned counsel for the petitioners that though the main accused in the present case is one Bhuneshwar Sah, the entire family members have been implicated by the family of the deceased.

Learned counsel for the State after perusal of case diary points to several paragraphs, wherein, several independent

witnesses have stated that all these family members cooperated in the incident, resulting in death of the deceased.

It has been fairly submitted by learned counsel appearing on behalf of the informant that there is no allegation against petitioner no. 2, namely, Raghu Sah in Criminal Miscellaneous No. 2474 of 2016 and as such, let the petitioner namely, Raghu Sah, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sikrahna, East Champaran, Motihari in connection with Ghorasahan (Jitna) P.S. Case No. 395 of 2015 (G.R. No. 1501 of 2015), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioners Bindeshwari Sah and Kedar Sah are concerned, they have played a specific role in the said incident and, therefore, I am not inclined to grant anticipatory bail to the aforementioned two petitioners. It is accordingly rejected.

It is made clear that in case the petitioner, namely, Bindeshwari Sah in Criminal Miscellaneous No. 2364 of 2016 and

petitioner, namely, Kedar Sah in Criminal Miscellaneous No. 2474 of 2016, surrender before the Court below within a period of four weeks, their cases shall be considered by the Court below on its own merit without being prejudiced by this order.

(Anjana Mishra, J)

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