

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17193 of 2016

Arising Out of PS.Case No. -235 Year- 2015 Thana -BARGANIA District- SITAMARHI

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Birendra Rai @ Kaila Son of late Harishchandra Rai, R/o village- Chamra,
Godam Road, ward no. 15, Bhakurahar, PS Bairginia, District Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party : Ms. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-05-2016 Heard both sides.

The petitioner apprehends his arrest in Bairginia P.S.
Case No. 235 of 2015, registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code.

The informant alleged that Birendra Rai and
Marichhiya Devi were assaulting her husband when the informant
went there she saw that the petitioner and his wife were pressing
chest of her husband who died.

Learned counsel for the petitioner submits that the
doctor did not find any external or internal injury. The deceased
died his natural death.

On the other hand, learned counsel for the informant
submits that both lungs were found congested. On account of

pressing the chest by petitioner and his wife the deceased died.
The wife of petitioner has already been enlarged on regular bail.
The case of petitioner stands on similar footing.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner above named on anticipatory bail in
Bairginia P.S. Case No. 235 of 2015, pending in the court the
learned Chief Judicial Magistrate, Sitamarhi. Accordingly, the
same is rejected.

However, the petitioner, if so advised, may surrender
before the court below within four weeks from the date of
receipt/production of a copy of this order and pray for regular bail,
his prayer shall be considered on its own merit taking into
consideration that similarly situated accused who happens to be
wife of petitioner has already been granted regular bail.

(Prabhat Kumar Jha, J.)

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