

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23281 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

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1. Sharda Devi, wife of Rameshwar Singh.
 2. Rameshwar Singh, son of late Ayodhya Singh.
- Both are resident of Village Matiaya, P.S. Tisiauta, Dist. Vaishali.
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Ajay Kumar No.2(APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioners and counsel for
the State.

The petitioners are apprehending their arrest in
connection with Tisiauta P.S. Case No. 67 of 2015 for offence under
Sections 302/34 of the Indian Penal Code.

The prosecution case is that the Informant Sameer Kumar
Shivranjan was taking his tractor through the road adjacent to the house
of accused when the accused persons made protest that the path way
has been closed. On protest being made, the accused persons started
pelting bricks and stones. When the father of the Informant came for
rescue, they also pelted stones and brickbat on him and assaulted with
leg and fists as a result of which the father of the Informant succumbed
to the injuries.

Learned counsel for the petitioners has submitted that the
accusation is omnibus in nature. The postmortem report of the father of

the Informant reflects slight swelling over chest and bruise of marginal size on back when accusation of pelting stones is against several persons. It is further submitted by the learned counsel for the petitioners that since the victim was 70 years of age hence he might have died due to shock. The petitioners are 72 and 78 years of age respectively and they have maliciously been roped in the present case. It has also been submitted that the co-accused Savitri Devi and Jainath Singh @ Bittu Kumar @ Jainath (Cr. Misc. No. 15632 of 2016) have been granted anticipatory bail whereas Ashok Kumar Singh and Ravi Kumar Singh (Cr. Misc. No. 16572 of 2016) have been granted regular bail by coordinate Bench of this Court.

Considering the accusation being not corroborated with the medical opinion, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 67 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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