

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39171 of 2016

Arising Out of PS.Case No. -156 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA

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1. Mithu Sharma son of Maheshwar Sharma
 2. Naresh Sharma son of Jogi Sharma
 3. Budhiyar Devi wife of Maheshwar Sharma
All resident of Village-Galfariay, Police Station-Bakhtiyarpur (Balwahat),
District-Saharsa
 4. Raban Sharma @ Raman Kumar Sharma son of Lalchand Sharma
Resident of Village-Mahrath, Police Station -Bangaon, District-Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 22-09-2016 Heard Sri Makardhwaj Upadhyay, learned counsel for
petitioners and learned Addl. Public Prosecutor.

Four petitioners, apprehending their arrest in
Bakhtiarpur P.S. Case No. 156 of 2016 registered for offence
under Sections 341, 323, 324, 307, 379, 354(A)/504 of the Indian
Penal Code, have prayed for grant of anticipatory bail.

It was submitted by learned counsel for petitioners
that there was case and counter case in between the parties. He
submits that firstly, the case was lodged from the petitioners' side,
vide Bakhtiarpur P.S. Case No. 155 of 2016. It was argued that
informant side were aggressor and as such, according to learned

counsel for petitioners, it is a case for grant of anticipatory bail.

After going through the material on record, particularly the F.I.R., the Court is of the opinion that prayer for anticipatory bail in respect of petitioner no. 1, 2 & 4 may not be entertained. Accordingly, the prayer for bail of petitioner no. 1 (Mithu Sharma), petitioner no. 2 (Naresh Sharma) & petitioner no. 4 (Raban Sharma) stands rejected.

So far as prayer for bail of petitioner no. 3 (Budhiyar Devi) is concerned, keeping in view the fact that petitioner no. 3 is a lady and nature of allegation, she may be extended the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let petitioner no. 3 namely Budhiyar Devi be enlarged on bail on furnishing bail bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiarpur P.S. Case No. 156 of 2016, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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