

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.348 of 2016

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

1. Jay Shankar Bharti @ Jata Shankar Bharti Son of Ram Sagar Bharti,
Resident of Village - Akaha, P.S. - Ujjiarpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. U.S.P Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-01-2016 Heard learned counsels for the petitioner and
the State.

The petitioner is apprehending 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, Kailash Bharti,
Sanjay Bharti, Ashok Bharti and the petitioner 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 petitioner that no overt act has been alleged against the petitioner. 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 petitioner and the accusation is not being corroborated by the medical opinion, let the above named petitioner 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)

Anil/-

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