

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38766 of 2016

Arising Out of PS.Case No. -139 Year- 2010 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Ashok Sah, son of Late Shyam Sundar Sah, residence of village- Tilka
Manghi Hat, P.S.- Tilka Manghi, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat

For the Opposite Party/s : Smt. Nirmala Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-10-2016 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner apprehends his arrest in connection
with Kotwali (Tilka Manghi) P.S. Case No. 139 of 2010,
pending in the Court of C.J.M., Bhagalpur, registered under
Sections 341, 307/34 of the I.P.C. and later on, section
304/302/34 of the I.P.C. was added.

The accusation is that when the
informant/deceased on 28.02.2010 in the morning returned on
attending the call of nature, her brother-in-law petitioner Ashok
Sah, Balmiki Sah and Rakesh Sah were present there. This
petitioner sprinkled the kerosene oil at her and Balmiki Sah put
fire through matchstick. On raising *hulla*, her husband and
others came and extinguished the fire and she was being treated

at the house, but after coming her parents, she was rushed to Medical College at Bhagalpur.

Learned counsel appearing on behalf of the petitioner submits that earlier prayer of the petitioner for anticipatory bail was rejected by a Bench of this Court on 26.03.2011. Now, three co-accused after facing trial in Sessions Trial No. 1243 of 2012 have been acquitted vide Judgment dated 05.01.2015 by the Additional Sessions Judge-III, Bhagalpur.

Having considered the facts and circumstances of the case and nature of the allegation, I am not inclined to allow the prayer of the petitioner for anticipatory bail. Accordingly, this application is rejected. However, petitioner is directed to surrender before the Trial Court within four weeks and pray for regular bail.

(Rajendra Kumar Mishra, J)

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