

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47013 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Rajesh Sah, Son of Sri Rajendra Sah ,
 2. Rinku Devi, wife of Rajesh Sah,
 3. Santosh Sah, son of Sri Rajendra Sah,
 4. Pinki Devi, wife of Santosh Sah,
 5. Amarjeet Kumar, son of Sri Rajendra Sah, All residents of Village-
Madudabad, P.S.- Mohiuddinnagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshri Kumar, Sr. Advocate.
Mr. Ajay Kumar Singh, Advocate.
For the Opposite Party No.2 : Mr. Dilip Kumar Roy, Advocate.
For the State Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 13-12-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Mohiuddinnagar P.S. Case No. 139 of 2016 registered under
Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian
Penal Code.

The accusation is that, on 27.07.2016, eight persons
named in the F.I.R. including the petitioners armed with Lathi,
Danda and iron rod came at the door of informant and assaulted
Vijay Sah, father of the informant. When, Gita Devi and Bhulli



Devi, sister and mother of the informant, rushed to save then co-accused, Rajendra Sah caused injury to Geeta Devi at her head and also co-accused, Anil Sah, caused injury to his mother though lathi. Later on, his mother, Bhulli Devi died.

Learned counsel for the petitioners submits that petitioners are named in the F.I.R. along with other accused persons with general and omnibus allegation to cause injury to the father, mother and sister of the informant but no specific overt act has been alleged against these petitioners. It is further submitted that petitioner no. 2 Rinku Devi and petitioner no. 4 Pinki Devi are wives of petitioner no. 1, Rajesh Sah and petitioner no. 3, Santosh Sah, due to that reason both have falsely been implicated in this case with ulterior motive without any specific overt act.

Considering the aforesaid submissions, let petitioner nos. 2 and 4, namely, Rinku Devi and Pinki Devi, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the 4th Additional Chief Judicial Magistrate, Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 139 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



So far as petitioner nos. 1, 3 and 5 are concerned, considering the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner nos. 1, 3 and 5. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 1, 3 and 5 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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