

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39166 of 2016

Arising Out of PS.Case No. -23 Year- 2016 Thana -DEORIYA District- MUZAFFARPUR

- =====
1. Sakhiya Devi wife of Mankeshwar Sah
 2. Santoshi Devi wife of Dasrath Sah
 3. Poonam Devi Wife of Ramashray Sah All Resident of village-Dharpahari, P.S.-Deoriya, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 27-10-2016 Heard both sides.

The petitioners apprehend their arrest in Deoriya P.S. Case No. 23 of 2016, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant, wife of the deceased, named seven persons in the FIR and alleged that Dashrath Shah assaulted her husband with iron rod on his head and her husband fell down on the ground. Other accused persons are alleged to have assaulted the family members of the informant. The petitioners are not named in the FIR. Name of the petitioners figured in the case during course of the investigation but no specific allegation is made. One of the named accused Bihari Kumar has already been

granted anticipatory bail vide order dated 16.09.2016 passed in Cr. Misc. No. 34367/2016, but from perusal of the case diary it appears that the attachment of the property under Section 83 Cr.P.C. has already been made and the petitioners were found absconder.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, their prayer shall be considered taking into consideration that Bihari Kumar, who is named in the FIR but no allegation is made against him, has already been granted anticipatory bail and the petitioners are not named in the FIR. The court below shall dispose of the bail petition preferably on the same day.

(Prabhat Kumar Jha, J.)

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