

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6390 of 2016

Arising Out of PS.Case No. -196 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Bir Shamsher Raut s/o Nathuni Raut
2. Manoj Raut
3. Sanoj Raut
4. Bhura Raut @ Bhuta Raut @ Bhutu Raut All s/o Bir Shamsher Raut All
r/o Kachurbari P.S. Harpur District East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. P.K. Jha (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 10-03-2016 Heard learned counsel, appearing on behalf of the

petitioners, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

 This application for grant of anticipatory bail arises out of

Adapur (Harpur) P.S. Case No. 196/2015, disclosing offences

under sections 341, 323, 313, 302/34 of the Indian penal Code.

 The case of the prosecution, in brief, is that due to

property dispute pertaining to partition in the family a quarrel had

taken place. The petitioners are said to have assaulted the

informant's daughter, who was pregnant and because of the said

assault, she gave birth to a stillborn child.

 It is submitted on behalf of the petitioner that no injury

has been found on the abdominal portion of the informant's daughter. He further submits that the child died due to hypothermia. He contends that no offence under section 302 of the Indian Penal Code is accordingly made out.

Considering the facts and circumstances and the genesis of occurrence, this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Raxaul, East Champaran in Adapur (Harpur) P.S. Case No. 196/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/ court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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