

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39952 of 2015**

Arising Out of PS.Case No. -43 Year- 2015 Thana -AMNAUR District- SARAN

- =====
1. Md. Jabar Mian, son of Late Satar Mian
  2. Firoj Alam, son of Jabar Mian
  3. Hadishan @Hadishan Bibi, wife of Jabar Mian
  4. Akash Babu@Akash @Akalu, son of Jabar Mian
  5. Fatima Khatoon@Fatima, wife of Firoj Alam
- All residents of Village- Sahpur,P.S Amnour ,District Saran.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4      28-01-2016                      Heard Sri Anant Kumar Bhaskar, learned counsel for  
the petitioners and learned Addl. Public Prosecutor.

Five petitioners, apprehending their arrest in connection with Amnour P.S. Case no.43/2015 registered for the offence under Section 304(B)/34 of the Indian Penal Code, have prayer for grant of anticipatory bail.

Learned counsel for the petitioners submits that in this case, while lodging the F.I.R., husband of the deceased was not made accused. He further submits that the husband of the deceased has also been granted bail vide Cr. Misc. No.42887 of 2015. He further submits that during trial, the informant has not supported

the case, however he was not in a position to explain as to under what circumstances, trial of other accused persons were separated. Meaning thereby that inference was drawn that the petitioners are not appearing before the court below.

Keeping in view the nature of accusation, I am not inclined to grant anticipatory bail to the petitioners. However, it is made clear that if the petitioners appear before the court below and make a prayer for regular bail, learned court below without being prejudiced with this order may examine the same and pass appropriate order considering the facts and circumstances of the case. It may be disposed of preferably on the same day.

**(Rakesh Kumar, J)**

NKS/-

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