

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54460 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -PATORI District- SAMASTIPUR

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1. Shivnath Rai Son of Nand Kishore Rai null
 2. Puja Kumari alias Tunni Devi Wife of Shiv Nath Rai Both resident of village Gadhi Mohanpur, P.S.- Patori (Mohanpur OP) District-Samastipur.

.... Petitioners

Versus

1. The State of Bihar
2. Dharmshila Devi, wife of Shivnath Rai and D/O Late Baleshwar Rai, resident of village-Chandpur Dhamoun, P.S. Patori, District-Samastipur.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Narain Sinha, Advocate.
For the Opposite Party : Mr. Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioners, learned counsel
for the Informant and also learned counsel for the State.

The petitioners are apprehending their arrest in connection with Patori P.S. Case No. 57 of 2015 pending in the Court of CJM, Samastipur for the offences instituted under Sections 341, 323, 307, 315, 504 and 506/34 of the Indian Penal Code.

The prosecution case in short is that on 15.02.2015 the informant gave her statement in PMCH to the effect that she has lodged two case namely, the maintenance and torture and to withdraw the said case she was assaulted by the accused person

for which she has lodged a case vide Patori Mohanpur O.P., P.S. Case No.50 of 2014 for the offence under Sections 307 and other allied sections of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. The injury report do not supports the prosecution case. Petitioner no.1 is the husband of the informant.

On behalf of the State and the Informant, it has been submitted that the informant is the wife of petitioner no.1 and she has been assaulted by the petitioner. The doctor has found the injury upon the informant.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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