

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47316 of 2016

Arising Out of PS.Case No. -351 Year- 2016 Thana -MARHAURA District- SARAN

- =====
1. Pramod Sah son of Munnilal Sah
 2. Meera Devi wife of Pramod Sah, both are resident of village- Ujari
Senduari, P.S. Marhowrah, District- Saran at Chapra
.... Petitioners

Versus

1. The State of Bihar
.... Opposite Party
- =====

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh
For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-11-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Mahowrah P.S. Case No. 351 of 2016 for the offence instituted under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner no.1 of assaulting on the head of the deceased, whereas the petitioner no.2 is alleged to have assaulted on the left hand of the deceased.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. They have falsely been implicated in the present case. The petitioner no.2 is a lady. She is alleged to have assaulted on non-vital part of the body of the deceased.

On behalf of the State, it has been submitted that there

is specific allegation against the petitioner no.1 for assaulting on the head of the deceased. The postmortem report also corroborates the said allegation.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner no.1. Prayer for anticipatory bail of petitioner no.1 is rejected.

Anyhow if the petitioner no.1 surrenders in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

As far as the petitioner no.2 is concerned, let the petitioner no.2, above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today, in connection with Mahowrah P.S. Case No. 351 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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