

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22307 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -PARAIYA District- GAYA

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1. Tejashavi Kumar Son of Manoj Sao @ Manoj Kumar Gupta
2. Anand Kumar Son of Manoj Sao @ Manoj Kumar Gupta both Resident
of village - Kapashiya, P.S. Paraiya, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.25375 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -PARAIYA District- GAYA

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1. Manoj Sao S/o Shambhu Sao
2. Nilam Devi W/o Maoj Sao Both resident of Village- Kapasiya, P.S.-
Paraiya, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the State : Mr. U.L. Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 25-11-2016 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners in Cr. Misc. No. 25375 of 2016
are the brother-in-law and sister -in-law (*Bhaisur* and
Gotni) of the deceased lady and the petitioners in Cr.
Misc. No. 22307 of 2016 are the sons of petitioners in
Cr. Misc. No. 25375 of 2016 are apprehending their



arrest in connection with Paraiya P.S. Case No. 128/2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is no eye-witness and only on account of the fact that there was previous enmity, their names have been taken in connection with the present case.

Learned counsel appearing on behalf of the informant seriously disputed the contention of the petitioners and submits that not only there were serious disputes between the parties, but the petitioners have actively participated in the occurrence which also finds support by the statement of the other witnesses and also the father-in-law of the deceased lady as has come in the case diary. It is further submitted that another independent witness has also stated that on *Hulla*, she reached the place of occurrence and saw that the husband of the deceased lady was weeping stating that these two petitioners had connived together to kill and burn his wife.

In view of the nature of the allegations and the



materials which has surfaced in the case diary, I am not inclined to grant anticipatory bail to the petitioners in Cr. Misc. No. 25375 of 2016, namely, Manoj Sao and Nilam Devi. It is accordingly rejected.

The petitioners in Cr. Misc. No. 22307 of 2016 are the sons of the petitioners in Cr. Misc. No. 25375 of 2016.

So far as petitioners in Cr. Misc. No. 22307 of 2016 are concerned, namely, Tejashavi Kumar and Anand Kumar are concerned, there does not appear to be any specific allegation against them, none of the witnesses have made any specific allegation regarding their presence at the time when the *Hulla* was heard.

In view of such facts and circumstances, let both the petitioners in Cr. Misc. No. 22307 of 2016, namely, Tejashavi Kumar and Anand Kumar, be released in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount



each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Paraiya P.S. Case No. 128 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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