

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7892 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -BAIRGANIA District- SITAMARHI

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Chandan Sah @ Chandan Kumar, son of Ruplal Sah, resident of village - Bahiri, P.S. - Bairganiya, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.9994 of 2017

Arising Out of PS.Case No. -36 Year- 2016 Thana -BAIRGANIA District- SITAMARHI

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Brij Kishore Sah @ Vicky Sah @ Vidi Sah, Son of Ruplal Sah, Resident of Village- Bahiri, P.S.- Bairganiya, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.7892 of 2017)

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

(In Cr.Misc. No.9994 of 2017)

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 17-03-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Bairgania P.S. Case No. 36 of 2016 instituted for the offence under Sections 302 and 34 of the Indian Penal Code.

As per *fard-beyan*, the marriage of Anchala Kumari



was fixed with Dharmendra Kumar (since deceased) which was later broke off and, thereafter, the same was fixed with Chandan Kumar. There is allegation against Chandan Kumar that he used to give threat to Dharmendra Kumar (since deceased).

It has been submitted on behalf of the petitioner that the deceased himself committed suicide because he wanted to marry with Anchala Kumari, and later on, her marriage was fixed with Chandan Sah.

Case diary has been received.

The learned A.P.P. after looking into the case diary has submitted that witnesses have stated about the petitioner giving threat to the deceased, but none has alleged any specific overt act against the petitioner. They have raised mere suspicion that the petitioner used to give threat to the deceased. From the post mortem report, it appears that death occurred due to hanging with rope and cause of death was Asphyxia due to strangulation.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Bairagania P.S. Case No. 36 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, Sitamarhi, subject to the conditions as laid
down under Section 438 (2) Cr. P.C.

(Sanjay Priya, J)

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