

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5942 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -CHANDAUTI District- GAYA

- =====
1. Krishna Kumar Son of Sri Bhola Yadav
 2. Bhola Yadav Son of Sri Munshi Yadav both residents of village - Kandi Nawada, P.S. - Chandauti, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-03-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Chandauti P.S. Case No. 178 of 2016 for the offence punishable under section 302/34 of the I.P.C.

Allegedly, the informant had gone in the temple to worship and after return she saw the petitioners fleeing away from her house and in the house her husband was found hanging. Bhola Yadav has taken work from husband of the informant and was not paying Rs. 2,00,000/- and further he was torturing him.

Submission is of false implication and that except the informant and Vikash Kumar, the son of the deceased, no witness has supported the allegation, all have stated that the deceased



committed suicide himself, earlier also the deceased tried to commit suicide but was saved, some dispute was going on between the informant and the deceased and it appears that for that dispute the deceased committed suicide, the learned counsel has referred paragraphs- 9, 10, 11, 12, 13 and 14 of the case diary in this regard.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the informant in her further statement and her son Vikash Kumar have supported the allegation and both have seen the petitioners fleeing away from the house of the deceased.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Gaya.

However, in case and if so advised, the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merits without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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