

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42500 of 2017

Arising Out of PS.Case No. -161 Year- 2017 Thana -FATUHA District- PATNA

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1. Shiv Nath Yadav @ Shiv Nath Kumar, Son of Sri Jankari Rai,
2. Sindhu Devi @ Sidhu Devi W/o Alakh Nath Yadav, Both are R/o
Village- Murajpur, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 01-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Fatuha Police Station Case No. 161 of 2017, disclosing offences under Sections 304B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is general and omnibus allegation against these petitioners and no specific overt act is attributed to them. In fact the petitioner Nos.1 and 2 happen to be Gotani and Dewar, respectively, of the deceased and they are said to have been separate in resident and mess. They have not played any role in the alleged occurrence. Hence, the petitioners deserve the privilege of anticipatory bail.



Learned A.P.P. has vehemently opposed the prayer for bail and submitted that these petitioners are named in the F.I.R. with specific allegation of committing murder by strangulating the neck of the deceased and they tried to burn the dead body of the deceased. The witnesses have also supported the prosecution versions which is evident from paragraph Nos. 30 and 44 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of anticipatory bail. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

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