

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16567 of 2017

Arising Out of PS.Case No. -222 Year- 2016 Thana -DIDARGANJ District- PATNA

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1. Bhola Rai, Son of Late Bhekha Rai,
2. Shiv Nath Rai, Son of Bhola Rai,
Both Resident of Village- Sabalpur Gulmahiya Chak, P.S.- Didarganj,
District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 06-07-2017 Heard Sri S.K.Lal, learned counsel, assisted by Sri

Pramod Kumar, learned counsel for the petitioners and Sri Ashok
Kumar, learned Addl. Public Prosecutor.

Two petitioners, who are father-in-law and elder
brother of husband of the informant respectively, have approached
this Court with a prayer to extend the privilege of anticipatory bail
in Didarganj P.S. Case No.222/16 registered for the offence under
Section 304/34 of the Indian Penal Code.

By way of placing the F.I.R., learned counsel for
the petitioners submits that on perusal of the F.I.R. itself, it is
evident that no case is made out against both petitioners. He
submits that there is specific allegation against the husband of the



informant who, after noticing that the child was crying, had come and thrown the child on floor. He submits that in the F.I.R. itself, the informant has stated that thereafter petitioners and others came and carried the injured boy to hospital.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail but he was not in a position to dispute the fact that in the F.I.R. there is no specific allegation against the petitioners.

Considering the fact that there is no specific allegation against the petitioners, let the petitioners, namely,(i) Bhola Rai and (ii) Shiv Nath Rai , in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each to the satisfaction of learned A.C.J.M. Patna City , District-Patna in connection with Didarganj P.S. Case No.222/16, subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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