

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27741 of 2017

Arising Out of PS.Case No. -70 Year- 2016 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Birju Das, S/o Sukhdeo Das,
2. Dinesh Das, S/o Sukhdeo Das, Both resident of Village- Mahindwara,
P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 17-10-2017 Heard both sides.

The petitioners apprehend their arrest in Mahnar P.S.
case No. 70 of 2016 under Section 302 and other Sections of the
Indian Penal Code.

The informant alleged that petitioners and others
came to her cattle shed and pressurized to withdraw the case. On
refusal, the petitioners and others indiscriminately assaulted
Raushan Das, husband of informant, and her father-in-law, Laxmi
Das. During the course of treatment, husband of informant died.

The learned counsel for the petitioners submits that
there is omnibus and general allegation of assault against the
petitioners. No specific allegation of assault is made against the



petitioners. Similarly situated accused Ranjan Das has already been granted bail vide order passed in Cr. Misc. No. 11315 of 2017 and the case of petitioners exactly stands on the same footing but it appears that there is allegation that petitioners and others indiscriminately assaulted the husband and father-in-law of the informant and as many as five injuries were found on the person of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, i.e., learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahnar P.S. case No. 70 of 2016, the learned court below shall consider the prayer for regular bail of the petitioners taking into consideration that similarly situated accused has been granted bail and dispose of the bail petition, if possible, on the same day.

(Prabhat Kumar Jha, J)

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