

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55655 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BANGAON District- SAHARSA

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1. Lalan Mukhiya, son of Nunu Mukhiya,
2. Raj Kumar Mukhiya, son of Debu Mukhiya,
3. Bechan Mukhiya, son of Daho Mukhiya,
4. Nandan Mukhiya, son of Bechan Mukhiya, All are resident of Village- Bhushwar Dih, P.S.- Bangaon, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 12-01-2017 Heard both sides.

The petitioners apprehend their arrest in Bangaon P.S. Case No. 41/2016, registered for the offences punishable under Section 302 and other sections of the Indian Penal Code.

The informant named ten persons and alleged that they all came to his darwaja and assaulted his wife with fists and slaps and stick and pressed her mouth and neck, consequently, the wife of the informant died on the spot.

Learned counsel for the petitioners submits that omnibus and general allegation of assault is made against all the ten persons, out of which three persons namely Baby Devi, Renu



Devi, Kiran Devi have been granted regular bail vide order passed in Cr. Misc. 42683/16. Daho Mukhia one of the co-accused has already been granted regular bail. From perusal of the post-mortem report, it would appear that there is no external or internal injury on the person of the deceased.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that they all assaulted wife of the informant with fists and slaps causing her death, I am not inclined to enlarge the petitioners above-named on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, learned court below shall consider the prayer for regular bail of the petitioners, taking into consideration that similarly situated co-accused persons were granted regular bail by this court and dispose of the bail petition of the petitioners preferably on the same day.

(Prabhat Kumar Jha, J.)

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