

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4683 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Nageshwari Devi wife of Raja Rai
 2. Sanjay Rai
 3. Kamal Rai both are son of Raja Rai
 4. Raja Rai son of Late Janak Rai
 5. Jitendra Rai son of Raja Rai all are Resident of Village- Dhekha Bela
Par P.S.- Pipra Kothi District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 23-03-2017 Heard the learned counsel for the petitioners, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioners
apprehend their arrest in connection with Piprakothi P.S. Case No.
152 of 2016 for the offences punishable under sections 302 and 34
of the I.P.C.

Allegedly, the petitioners being armed with lathi,
bhala and spade came at the land of the informant and started
putting Nad and Khutta and then the informant and his father
Surya Rai forbade them and then they started abusing and



petitioner no.4 Raja Rai and his three sons caught father of the informant and Sanjay Rai started pressing his neck resulting he died. All the accused persons assaulted on the chest also.

Submission is of false implication and that no such occurrence has taken place, the father of the informant died in altercation due to heart attack and in the inquest it is so mentioned and further the doctor who had conducted the postmortem examination has also found cause of death 'Cardiac arrest' and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that the witnesses have supported the allegation and as such the petitioners do not deserve bail.

In the facts and circumstances as stated above, considering that against petitioner no.1, namely, Nageshwari Devi, there is no specific allegation and as such she, in case of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Motihari, East Champaran in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.



But so far petitioner nos. 2 to 5 are concerned, considering the allegation attributed against them, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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