

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17218 of 2018

Arising Out of PS.Case No. -157 Year- 2017 Thana -NIMCHAKBATHANI District- GAYA

- =====
1. Indu Devi W/o Narendra Prasad
 2. Rahul Kumar S/o Narendra Prasad Both Resident of Village-Dulli Bigha, P.S.-Nimchak Bathani, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-04-2018 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Nimchak Bathani P.S. Case No. 157 of 2017 for the offences punishable under section 302/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, petitioner no.1 and her daughter Khushbu Kumari started abusing the wife of the informant and then the son Raushan Kumar and the daughter Neha Kumari went there, petitioner no.1 called her husband and son the petitioner no.2 and then Narendra Prasad, husband of petitioner no.1 and Rahul Kumar, petitioner no.2 opened 4-5 rounds firing and due to firing made by co-accused Narendra Prasad Anita Devi became injured and later on she died.



Submission is of false implication and that petitioner no.1 is lady, she was not armed with any weapon, as alleged co-accused Narendra Prasad is the assailant, the petitioners have got no criminal antecedents and as such they deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that petitioner no.2 has also opened fire.

In the facts and circumstances stated above, prayer for pre-arrest bail of petitioner no.2 Rahul Kumar stands rejected.

So far petitioner no.1 Indu Devi is concerned, she, in case of her arrest or surrender within a period of 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, Gaya in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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