

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71204 of 2018

Arising Out of PS. Case No.-137 Year-2018 Thana- SULTANGANJ District- Bhagalpur

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1. Sunita Devi, Wife of Shevak Yadav @ Ram Shevak Yadav.
 2. Shevak Yadav @ Ram Shevak Yadav. Son of Bidya Bhushan Yadav, Both Resident of Village- Mirhatti, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-12-2018 Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Sultangaj Case No. 137/2018 for the alleged offence under Sections 341, 323, 307/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have no criminal antecedent. He further submits that so far as petitioner no.1 is concerned there is no allegation of overt act against her and she is a lady. So far as petitioner no.2 is concerned, it is alleged that he has assaulted the informant.

Considering the allegation against petitioner no.2, the Court is not inclined to grant him anticipatory bail. It is accordingly rejected. However, liberty shall be available to petitioner no.2 above named to surrender and pray for regular



bail before the court below. In that situation, the court below is directed to consider and take appropriate decision on the application of regular bail of petitioner no.2 on the same day without being influenced by the decision of this Court rejecting his prayer for anticipatory bail.

Considering that petitioner no.1 above named is a lady and there is no allegation of overt act against her, this Court is inclined to grant her anticipatory bail. Accordingly, in the event of arrest or surrender before the concerned court below within a period of one month from today, petitioner no.1 above named is directed to 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 the First Additional Chief Judicial Magistrate, Bhagalpur in connection with Sultangaj PS Case No. 137 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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