

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34257 of 2018

Arising Out of PS.Case No. -79 Year- 2017 Thana -KUTUMBA District- AURANGABAD

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1. Sanjay Yadav, S/o Raman Yadav,
2. Usha Devi W/o Sanjay Yadav, Both R/o Vill.- Deepan Parisawa, P.S.-
Kudumba, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 13-07-2018 The petitioners are apprehending their arrest in connection with Kutumba P.S. Case No. 79 of 2017, registered for offences punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioners who are husband and wife is of assaulting the wife of informant and setting the house on fire, on which she died due to burn injuries.

It has been submitted on behalf of the petitioners that except the fact that informant in his restatement has stated that he saw the accused persons fleeing away, there is absolutely nothing to connect them with the occurrence and after investigation police has submitted final form in this case, however, the learned Magistrate took cognizance. It has also been submitted that



petitioner no. 2 is lady and informant has not seen her fleeing away.

Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail on the ground that the witnesses in para 8 and 9 of the case diary has seen the petitioners fleeing away.

Having heard both sides, so far petitioner no. 2 is concerned, considering the facts and circumstances of the case and also the fact that she is a lady, as such, let the petitioner no. 2, in the event her arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Aurangabad, in connection with Kutumba P.S. Case No. 79 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far petitioner no. 1, namely, Sanjay Yadav is concerned considering the facts and circumstances of the case and the nature of accusation, I am not inclined to grant him the privilege of anticipatory bail rather he should surrender before the court below and pray for regular bail, which will be decided on the



merit of the case.

With the aforesaid observation and direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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