

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14917 of 2018

Arising Out of PS.Case No. -508 Year- 2014 Thana -SAKRA District- MUZAFFARPUR

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1. Bina Devi, Wife of Prabhu Jha,
2. Ishwar Jha, Son of Late Gena Jha,
3. Mahesh Jha, Son of Prabhu Jha,
4. Umesh Jha, Son of Prabhu Jha,
5. Ramesh Jha, Son of Prabhu Jha, All are resident of Village- Lohargam,
P.S.- Sakra (Baniyapur), District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.
For the Informant : Mr. Mahendra Thakur, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, App.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-05-2018 Heard learned counsel for the petitioners, learned counsel
for the informant and the State.

The petitioners apprehend arrest in Sakra (Baniyapur) P.S.
Case No. 508 of 2014 instituted for the offence under Sections-147,
149, 448, 452, 436, 341, 323, 326, 307, 302 of the Indian Penal Code.

It is alleged in the written report that Prabhu Jha and Ishwar
Jha caught hold the mother of the informant and on direction of Prabhu
Jha, his wife brought K. Oil and thereafter, petitioner nos. 3, 4 and 5
poured the K. Oil on the informant and his mother. Prabhu Jha lit the
matchstick and set ablaze them on fire due to which mother of the
informant succumbed to the burn injury and informant has also
sustained 50% burn injury.

Learned counsel for the petitioners has submitted that



petitioners have been falsely implicated in this case. There is general and omnibus allegation against them. In paragraph-3 of the petition, it has been mentioned that the petitioners have no criminal antecedent.

This Court finds that there is specific allegation of catching hold against petitioner no. 2 and co-accused Prabhu Jha and allegation against petitioner nos. 3, 4 and 5 is of pouring Kerosene Oil. Therefore, this Court is not inclined to grant anticipatory bail to these petitioners. Hence, prayer for anticipatory bail of petitioner nos. 2, 3, 4 and 5 stands rejected.

So far as, petitioner no. 1 is concerned, there is general and omnibus allegation against her. She is a lady. Therefore, prayer for anticipatory bail of Bina Devi, petitioner no. 1 is allowed and it is ordered that in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of 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 in connection with Sakra (Baniyapur) P.S. Case No. 508 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if



petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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