

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47049 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- EKMA District- Saran

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1. Om Prakash Mishra, S/o Late Bindeshwari Mishra,
2. Babita Devi W/o Om Prakash Mishra,
Both above R/o - Ekma, P.S.- Ekma, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Anish Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 13-09-2018 The petitioners are apprehending their arrest in connection with Ekma P.S. Case No. 38 of 2018, registered for offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

Informant is wife, petitioner no. 1 is father and petitioner no. 2 is step mother of the deceased. It is alleged that petitioners have killed the deceased confining the informant inside the room.

Submission of learned counsel for the petitioners is that the aforesaid story does not find support from the materials collected during investigation as it transpires that father, mother and brother of the informant have stated that deceased has committed suicide due to torture by his step mother. He further



submits that deceased was suffering from heart disease and in support thereof he annexed doctor's report vide Annexure-2, as such whole story is false and concocted.

Learned A.P.P. as well as learned counsel for the informant, who have opposed the prayer of bail on the ground that informant is the eye-witness of the occurrence and the father, mother and brother of the informant are not eye witnesses; moreover the informant was confined in a room so she could not inform about the same to the police or protect the deceased.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners, hence, the prayer of anticipatory bail to the petitioners is rejected.

However, if petitioners surrender and pray for regular bail, the same shall be considered on the basis of material available on record, without being prejudiced by this order .

(Vinod Kumar Sinha, J)

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