IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37230 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -NATIONAL HIGHWAY District- SAMASTIPUR

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1. Subodh Mahto, S/o Sri Dasai Mahto,
2. Soni Devi W/o Subodh Mahto, Both R/o Vill.- Mundipur Takiya, P.S.- Bangara, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in a case instituted for the offences under Sections 307, 323, 341 and 34 of the Indian Penal Code.

Allegation has been made that father of the petitioner has asked to bring some articles from the market, but he has refused to obey the order of his father, whereupon the petitioner and his wife caught hold the deceased and father has given blow of Tarchhevia in his stomach on account of that his intestine came out side.

Learned counsel for the petitioners submits that there is

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allegation to have caused injury. In as much as, they are not criminals but on account of spur of movement the incident took place.

The petitioner no.2 is lady. Looking to her female status, in the event of arrest or surrender within four weeks from today, let petitioner no.2, namely, Soni Devi, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V, Samastipur in connection with N.H Bangara P.S. Case No.108 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With regard to the petitioner no.1, namely, Subodh Mahto this Court is not inclined to enlarge him on anticipatory bail. Accordingly his prayer for bail is rejected. However, if he surrenders before the court below within a period of four weeks, the court below will pass an order on its own merit without being prejudiced by the order passed by this Court.

(Shivaji Pandey, J)

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