

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39516 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- SALAKHUA District- Saharsa

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1. Anita Devi @ Sunita Devi, W/o Chhanguri Sah,
 2. Mithilesh Sah, S/o Chhanguri Sah, all are resident of Village- Jamalnagar, P.S.- Salkhua (O.P.- Banama Ithari), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 2.3.2018 at 6 A.M. the informant along with her husband Bindeshwari Sah had gone to see the field, the accused persons including the petitioners started abusing and assaulting them. Accused Chhanguri Sah gave spade blow on the head of Bindeshwari Sah, due to which he sustained injury on his head. On hulla, people came and brought the injured to O.P. Banma Itahari.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. The petitioner No.1 is a lady. There is no injury attributed against the petitioners. The main allegation is against the co-accused Chhanguri Sah, who is alleged to have assaulted upon the deceased. Though the case was instituted for an offence under Section 307 I.P.C., later on after the death of the victim the case had been instituted for an offence under Section 302 I.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, 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 learned A.C.J.M. II, Saharsa in connection with Salkhua P.S. case No.40 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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