

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61380 of 2018

Arising Out of PS. Case No.-94 Year-2018 Thana- PATORI District- Samastipur

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1. Kameshwar Ray, S/o Late Binda Ray,
 2. Phulo Devi, W/o Kameshwar Ray, Both residents of Village- Shahpur Barat, Tola Barka Beri, P.S.- Patori (Mohanpur O.P.), District- Samastipur.
 3. Gaya Ray, S/o Bhuwaneshwar Ray, Resident of Village- Sultanpur, P.S.- Patori (Mohanpur O.P.), District- Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur
For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 14-12-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Patori (Mohanpur O.P.) P.S. Case No. 94 of 2018 registered for the offences punishable under Section 302 and other allied sections of the Indian Penal Code.

The ferdbeyan of the informant goes to show that petitioner no. 1 and F.I.R. named accused Chandan Kumar and Prem Kumar assaulted the deceased with bricks. So far as petitioner no. 2 is concerned, it is alleged that she ordered the others to assault the deceased. However, petitioner no. 1 and 2 are parents of the deceased whereas petitioner no. 3 is relative of



the deceased. Moreover, there is no specific allegation of assault against the petitioner no. 3.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner no. 2, namely, Phulo Devi and petitioner no. 3, namely, Gaya Ray, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in Patori (Mohanpur O.P.) P.S. Case No. 94 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for anticipatory bail of petitioner no. 1, namely, Kameshwar Ray is concerned, the same stands rejected.

However, it is made clear that at the time of consideration of regular bail application of petitioner no. 1 by the competent court, this order shall not cause any prejudice.

(Hemant Kumar Srivastava, J)

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