

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7561 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- BELA District- Sitamarhi

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1. Md. Halim @ Mangla , aged about 42 years, (male), son of Late Bholu
 2. Munni Khatoon @ Munni Begam aged about 40 years (female), wife of Md. Halim @ Mangla
 3. Rabanni Khatoon aged about 22 years (female) daughter of Md. Halim
 4. Sabanni Khatoon aged about 19 years (female) daughter of Md. Halim
 5. Chikni Wali @ Husanabano Khatoon, aged about 28 years (female) wife of Rajaullah
- All r/o village – Bara, P.S. - Bela, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 04-04-2019 Heard Sri Ashok Kumar Jha, learned counsel for the petitioners and Sri Amitesh Kumar, learned Additional Public Prosecutor.

Five petitioners, apprehending their arrest in connection with Bela P.S. Case No. 143 of 2018 , registered for the offence under Section 341, 323, 307/34 of the Indian Penal Code, 1860 and later on Section 302 of the Indian Penal Code, 1860 was added, have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners



that as per F.I.R. itself occurrence had taken place on 22nd August, 2018, whereas, F.I.R. was lodged on 26th August, 2018. He further submits that three days after lodging of the F.I.R. the husband of the informant died and thereafter, Section 302 of the Indian Penal Code, 1860 has been added. Learned counsel for the petitioners by way of referring to copy of post mortem report, which has been brought on record as Annexure – 2 to the petition, submits that post mortem report does not support the prosecution case since there was no injury on the person of the deceased. He submits that death was natural and as such petitioners were falsely implicated in the present case. However, considering the fact that F.I.R. was lodged with specific accusation against the petitioners and deceased died three days thereafter, in view of the facts and circumstances there is no reason to entertain the prayer for anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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