

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1987 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- BIHIA District- Bhojpur

1. Naresh Prasad, s/o- Late Ragho Prasad
2. Urmila Devi, wife of Naresh Prasad
3. Bitu @ Bitu Kumar, son of Naresh Prasad
4. Vishnu Prasad @ Vishnu Kumar, son of Shiv Jatan Prasad
5. Nisha Kumari, daughter of Naresh Prasad,
All are resident of village Bind Toli, P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 306/34 of the Indian Penal Code.

The prosecution case, in short, is that in the light of
dispute over abortion by the wife, the informant has been
misbehaved by the in-laws of his wife and later he has taken
sulphas.

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 petitioners have falsely been implicated in the



present case. Though the case has been instituted for an offence under Section 306 IPC, none is said to have died in the present case by way of committing suicide. Hence, no offence under section 306 IPC is made out.

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

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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -5, Ara in connection with Bihiyan P.S. Case No. 322 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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