

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63624 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- Sursand District- Sitamarhi

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1. Subadhi Devi, W/o Rajdeo Mahto
 2. Rajdeo Mahto, S/o Dharkan Mahto
- Both are R/o village- Majhaura, P.S.- Sursand, District- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Dilbar Krishna, Adv.

For the Opposite Party/s : Mrs.Madhubala Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Sursand P.S. Case No.121 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 325, 302 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. Learned counsel submits that there is no specific allegation against the petitioners.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is alleged that these petitioners were amongst the co-



accused who had badly assaulted the father of the informant, informant and the informant's wife and all of them have sustained injuries and later on father of the informant succumbed to the injury and died and the co-accused Bhikhari Mahto has been denied regular bail by a learned coordinate Bench of this Court in Cr.Misc.No.60149 of 2019, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. This application is, thus, dismissed.

In case, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit without being prejudiced by the order of this Court.

So far as petitioner no.1 is concerned, she is a female and in case she surrenders and prays for regular bail her application shall be considered on the same day and will be disposed off keeping in view the materials available on the record and the prayer for regular bail shall not be rejected only because this Court has refused to grant anticipatory bail. It must be an independent exercise by the court below.

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(Rajeev Ranjan Prasad, J)

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