

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65057 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- BARHARIA District- Siwan

1. RAMA SHANKAR RAM @ RAMASHANKAR RAM Son of Late Pitambar Ram Resident of Village - Basawanbari (Mira Chapra), P.S.- Barharia, District- Siwan
2. Sunil Ram Son of Rama Shankar Ram @ Ramashankar Ram Resident of Village - Basawanbari (Mira Chapra), P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-10-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Barharia P.S.Case No.149/19 registered for offences punishable under Sections 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code.

As per Fir there is allegation against the petitioners that they assaulted brutally to the husband and the son of the informant and there is specific allegation against the petitioner no.1 of assault to the husband of the informant, due to which he died.

Submission of the learned counsel for the petitioners is that the postmortem report shows that the deceased died due to stroke and so far son son of the informant is concerned there is general allegation of assault against the petitioners and there is case and counter case.



Heard learned A.P.P. , who has opposed the prayer for bail on the ground that the deceased has died due to assault, which has been given by the petitioner no.1 and there is general allegation against the petitioners of assault to the son and the impugned order also discloses that he was referred to Sadar Hospital, Siwan and thereafter referred to Gorakhpur for treatment and he was under treatment..

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners, however, the petitioners are directed to surrender before the learned court below within a period of six weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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