

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81948 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- MAHINDWARA District- Sitamarhi

1. SHOBHA RAI @ SOBHA RAI Son of Ganesh Rai Resident of Village - Bagahi Gaushnagar, P.S.- Mahindwara, District- Sitamarhi
2. Udai Rai Son of Ganesh Rai Resident of Village - Bagahi Gaushnagar, P.S.- Mahindwara, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dinesh Jha
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan
For the informant	:	Mr. Amit Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons assaulted the father of the informant due to which he died.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation of assault has been made against the petitioners and other co-accused. Except



for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in the present case. From perusal of the post-mortem report, it appears that there is no external injury on the body of the deceased. Hence, cause of death could not be ascertained. The post-mortem report does not corroborate the allegations made in the F.I.R. Other co-accused has been granted anticipatory bail vide order dated 02.12.2019 passed in Cr. Misc. No. 75127 of 2019.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R.

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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 76/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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