

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75318 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- PHULWARIA District- Begusarai

1. Gautam Das S/o Late Shambhu Das R/o village- Shokhara, Gachhi Tola, P.S.- Phulwaria, District- Begusarai
2. Khusbu Devi W/o Gautam Das R/o village- Shokhara, Gachhi Tola, P.S.- Phulwaria, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 16-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Phulwaria P. S. Case No.58 of 2019 registered under Sections
302 and 120B/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that during pendency of the instant application
preferred under Section 438 of the Code of Criminal Procedure,
the petitioner no.1, namely, Gautam Das has already been
arrested.

In view of the submission made above, the instant
application filed on behalf of petitioner no. 1 is disposed of as



infructuous.

So far as petitioner no. 2, namely, Khusbu Devi is concerned, considering the gravity of the offence and the allegation made in the FIR that she along with her husband (petitioner no.1) badly assaulted Kailash @ Bambam while he was fast asleep in the night as a result of which he died and as also that she has been declared a proclaimed offender, I am not inclined to grant her pre-arrest bail. Accordingly, her application for grant of pre-arrest bail is rejected.

In case the petitioner no. 2 surrenders and seeks bail, the same shall be considered and disposed of on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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