

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81343 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- ARWAL District- Jehanabad

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1. Sabita Devi Wife of Nilesh Kumar, Resident of - Matha, P.S.- Arwal, District - Arwal.
 2. Nilesh Kumar Son of Late Suresh Saw, Resident of - Matha, P.S.- Arwal, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Arwal P.S. Case No. 105 of 2019 for the offences punishable under Sections 448, 341, 323, 504, 302 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that on 19.04.2019 at about 2:00 P.M., the father of the informant was sitting at his home and in the meantime, the accused persons including the petitioners herein had entered into the house of the informant and had abused and assaulted the father of the informant resulting in his death subsequently, during the course



of treatment.

The learned counsel for the petitioners submits that the petitioners are innocent and the petitioner no.1 is a lady and no specific allegation of any sort of overt act has been levelled against her. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by an order dated 30.09.2019 passed in Cr. Misc. No. 44473 of 2019, by a co-ordinate Bench of this Court, after the said Court had perused the case diary and had found that no specific overt act had been alleged as against the petitioners of the said case. It is further submitted that in fact, other accused persons, similarly situated, have also been granted regular bail by a co-ordinate Bench of this Court vide order dated 16.10.2019 passed in Cr. Misc. No. 64530 of 2019. Lastly, it is submitted that the petitioners are having a clean antecedent and are languishing in custody since 21.07.2019.

Considering the facts and circumstances of the case as also parity of the case of the petitioners with that of the co-accused persons who have already been granted the privilege of anticipatory bail, I deem it fit and proper to extend the privilege of regular bail to the petitioners.

Accordingly, the petitioners, above named, are



directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Arwal P.S. Case No. 105 of 2019.

(Mohit Kumar Shah, J)

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