

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1068 of 2021

Arising Out of PS. Case No.-40 Year-2019 Thana- ATHMALGOLA District- Patna

1. AMRITA DEVI Wife of Sumant Kumar Resident of Village - Bharosi Rai Ke Tola, P.S.- Athmalgola, District - Patna.
2. Jay Prakash Rai Son of Yugal Rai Resident of Village - Bharosi Rai Ke Tola, P.S.- Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap
For the Opposite Party/s	:	Mrs. Veena Rani Prasad, APP
For the Informant	:	Mr. Manoj Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

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

The prosecution allegation, in short, is that accused persons committed murder of the son of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioners. The names of the petitioners have transpired on the basis of disclosure made by the co-accused. The petitioner no. 1 is aunt of the deceased and petitioner no. 2 is uncle of the deceased. It is alleged that they have strangled the child who was three years old. Learned counsel for the petitioners submits that the petitioners are separate in mess in property from the family of the deceased. They have got no concern with the alleged occurrence. As far as petitioner no. 1 is concerned, she is a lady.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. They were seen at the place of occurrence. The allegations made in the F.I.R. is supported by the inquest report.

Considering the aforesaid facts and circumstances, let the petitioner no. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve 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 S.D.J.M., Barh, Patna in connection with Athmalgola P.S. Case No. 40/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



So far petitioner no. 2 is concerned, his prayer for grant of anticipatory bail is rejected. However, if the petitioner no. 2 surrenders in the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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