

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17647 of 2015

Arising Out of PS.Case No. -328 Year- 2013 Thana -BOCHHA District- MUZAFFARPUR

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1. Sheela Devi, W/o Mangal Ram
 2. Mangal Ram S/o Kishuni Ram
 3. Kishuni Ram S/o Jaldhari Ram
- 1 to 3, All resident of village - Chaumukh, P.S.- Bochaha, District - Muzaffarpur
4. Shipati Devi @ Shivvati Devi, W/o Hiroban Ram, resident of village - Berai (South), P.S.- Hathauri, District - Muzaffarpur

.... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pradeep Kumar Sinha, Advocate

For the Opposite Party/s : Mr. A. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-09-2015 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek pre-arrest bail in connection with Bochahan P.S. Case No. 328 of 2013 registered under Sections 147, 148, 341, 323, 379, 504 and 302 of the Indian Penal Code.

It is contended that the informant has lodged a complaint case after lapse of more than three months of the



alleged occurrence in which the petitioners have been made named accused for commission of murder of the complainant of the case. The said case was referred to the police under Section 156(3) Cr. P.C. for investigation pursuant to which the FIR was registered almost four months after the alleged incident.

It is further contended that the informant has failed to produce any evidence relating to death of her husband either through medical report or postmortem report of the deceased in order to prove cause of death. The defence of the petitioners is that the deceased died a natural death and due to enmity existing from before, a false case has been instituted.

Learned counsel for the State has opposed the prayer for anticipatory bail. However, after going through the case diary, he concedes that there is delay caused in institution of the FIR and there is no post-mortem report of the deceased but there is allegation that the petitioners have killed the husband of the informant.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, the petitioners above named are directed to be released on anticipatory bail on furnishing bail

bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Bochahan P.S. Case No. 328 of 2013 subject to the conditions as laid down under Section 438(2) Cr. P.C.



(Ashwani Kumar Singh, J.)

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