

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24257 of 2015

Arising out of PS.Case No. -200 Year- 2012 Thana -SAMASTIPUR District- SAMASTIPUR

1. Rajeshwar Choudhary, Son of Late Baleshwar Choudhary.
2. Bablu Choudhary, Son of Rajeshwar Choudhary. Both are resident of Village - Kejia, P.S.- Pusa, at present Mohalla - Kasipur, P.S.- Town Samastipur, District - Samastipur.
3. Satyendra Choudhary @ Satyendra Prasad Choudhary, Son of Late Sukuldeo Prasad Choudhary, resident of Village/Mohalla - Belsandi, P.S.- Kalyanpur, District - Samastipur.

.... .. Petitioners

Versus

The State of Bihar.

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kr. Thakur, Advocate.
For the Opposite Party : Mr. S.N.Shukla (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-07-2015 The petitioners are apprehending their arrest in connection with Samastipur Town P.S. Case No. 200 of 2012 for the offences instituted under Sections 302 and 328/34 of the I.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that at the shop of the informant i.e., Hindustan Pharma at about 5.00 P.M. a person came and informed him that his nephew Rajeev Ranjan is lying unconscious near Bela Net and they have brought him to the Sadar Hospital. After getting the said information, he came to the



hospital where he was informed by the doctor that his nephew was brought dead. He further stated that his nephew Rajeev Ranjan was Kishan Salahkar of Hazpurva Panchayat and on 21.09.2012 he had come to get training in Agriculture matter. He left his house at 9.00 A.M. for coming to K.E. Inter College premise where training was going on. His other Kishan Salahkar friends disclosed that after the training was over, they left for their houses and thus he suspected that his nephew was killed by some unknown persons by assaulting and by administering poison to him.

It has been submitted on behalf of the petitioners that the petitioners are not named in the F.I.R. Further it is submitted that after a period of 2 ½ months the wife of the deceased was examined under Section 164 Cr.P.C. where she gave altogether a different version then what she earlier stated under Section 161 Cr. P.C. The name of the petitioners figured in the present case after 2 ½ months of occurrence. It is further submitted that the police found the case false against the petitioners and had submitted final form in the present case but the learned court below differed with the said report and took cognizance.

On behalf of the State it has been submitted that the petitioners' name has figured in the present case in course of

investigation.

Considering the aforesaid fact that the name of the petitioners has figured after a period of 2 ½ months of occurrence and the police had found the case to be false, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Samastipur Town P.S. Case No. 200 of 2012 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)