

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26368 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -SAKRA District- MUZAFFARPUR

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1. Chandan Kumar S/o Uday Shankar Sah
2. Sunaina Devi W/o Uday Shankar Sah
3. Shobha Devi W/o Indrabhushan Sah All are R/o - Village- Marwan @
Ajit Nagar, P.S. - Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Renu Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2015 Heard learned counsel for the petitioners and the State.

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

It is alleged by the informant that in the night of 5.4.2015, his mother Kunti Devi was sleeping on verandah but his “Pattidars” Indra Bhushan Sah, Shobha Devi, Chandan Kumar, Sunaina Devi, Om Prakash Sah, Mahesh Sah, Uday Sah lifted her forcibly from Darwaza and took her near Panchayat Bhawan and killed her by cutting her neck and in the morning on getting information about the incidence, he along with other family members reached there and saw the dead body of his mother. It is further alleged that earlier also the accused assaulted her mother and threatened for killing.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. From FIR itself it appears that the informant is not the eye witnesses to the

occurrence. He was not present at the place of occurrence. When he learnt about the death of his mother then in the morning he reached the place of occurrence. The petitioners have been falsely implicated in the present case due to previous enmity. It is also submitted that petitioner no.1 instituted the case against the informant in respect to kidnapping of the younger brother and the informant was accused in the said case. The petitioner nos. 2 and 3 are ladies. From perusal of the case diary, it appears that there is no direct or indirect evidence against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the FIR and in course of investigation the complicity of the petitioners has come in the present case.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur in connection with Sakra P.S.Case No. 98 of 2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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