

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27750 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -AWTARNAGAR District- SARAN

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1. Jeera Devi Wife of Topal Prasad
2. Topal Prasad Son of Late Shanker Prasad Both are resident of village -
Pratappur, P.S. Awatar Nagar, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-09-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 302, 201 and 34 of the Indian Penal Code.

Allegation against petitioners is of killing son of the informant.

It has been submitted on behalf of the petitioners that they have got no criminal antecedents. The alleged date of occurrence is 21.9.2014 and F.I.R. was instituted on 25.9.2014. No explanation has been made in respect of the delay in institution of the F.I.R. From the F.I.R. itself it is evident that partition of property between the parties is admitted and in respect of that the dispute had also taken place. From perusal of the case diary also it would appear that there is no eye witness to the occurrence nor there is any circumstantial evidence to suggest participation of the petitioners in the alleged occurrence. It is submitted that petitioner no. 1 is a lady.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of 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 only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran, Chapra in connection with Awatar Nagar P.S. Case no. 123/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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