

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28640 of 2015

Arising Out of PS.Case No. -395 Year- 2014 Thana -BARACHATTI District- GAYA

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1. Charitar Paswan @ Chalitra Paswan, son of Narain Paswan, resident of village-Kendua, P.S. Barachatti, District-Gaya.
 2. Prabhar Kumar Paswan alias Jai Prabhat Bharti alias Prabhat Paswan, son of Ramavtar Paswan, resident of village-Shriawan, P.S. Mohanpur, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Opposite Party/s : Mr. Ashok Kr.Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-10-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

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

The prosecution case, in short, is that on the basis of a fardbayan given by one Narain Yadav, Chowkidar before the Sub-Inspector of Police, Mohanpur Police Station that he got an information from the villagers that a dead body of unknown lady is lying in a canal, he went there and saw the dead body of a lady in decomposed condition but nobody could identify the same. After institution of the case, the mother of the deceased came in the Police Station and identified the photograph of her deceased daughter. Thereafter she filed an application making allegation against the accused persons.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. The present prosecution has been launched after 21 days of the occurrence. The petitioners has got no concern with the husband of the deceased. Merely on the basis of being co-villagers to the husband of the deceased they have been named in the present case. There is no eye witness to the occurrence and there is no direct or indirect evidence against the petitioners.

On behalf of the State, it is stated that the petitioners are named in the first information report and their names have come in the course of investigation.

Considering the facts aforesaid, let the petitioners, above named, in the event of their arrest/surrender in the court below within a period of four weeks, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Shri Narendra Pal Singh, Judicial Magistrate, Ist Class, Sherghaty, Gaya in connection with Barachatti P.S. Case No.395 of 2014, subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure.

V.P.Sinha/-

(Sudhir Singh, J)

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