

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47704 of 2014

Arising Out of PS.Case No. -141 Year- 2013 Thana -RAGHOPUR District- SUPAUL

1. Ratan Mukhiya Son of Bindeshwar Mukhiya resident of village-
Koriyapati, Devipur, P.S.- Raghapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.23294 of 2015

Arising Out of PS.Case No. -141 Year- 2013 Thana -RAGHOPUR District- SUPAUL

1. Shambhu Mukhiya son of Shri Awadh Mukhiya resident of village
Koriyapatti, Devipur, P.S. - Raghapur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.47704 of 2014)

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

(In Cr.Misc. No.23294 of 2015)

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Ram Bachan Singh (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 29-06-2015 Both the matters arise out of Raghapur P.S. Case No. 141 of
2013, as such, they have been heard together and with the consent
of parties are being disposed of by the present order.

Heard the Counsel for the petitioners and the APP for the
State.

The two petitioners herein seek anticipatory bail in a case
registered under Sections 302/34 of the Indian Penal Code and



Section 27 of the Arms Act. The F.I.R. has been lodged by the wife of the deceased raising strong suspicion on the petitioner and three others. It is alleged that the accused persons including the petitioners had visited the shop of the informant and there was scuffle whereafter co-accused Lalita Devi came and took all the accused persons back home. The informant also returned home and heard the sound of gun shot thereafter she rushed there only to find her husband lying in pool of blood.

It is stated that except suspicion based on exchange of hot words prior to the occurrence, there is nothing tangible against the petitioners. The husband of the petitioner was elected Chairman of the Fisherman Cooperative Society defeating the co-accused Lalita Devi who had since been released on anticipatory bail vide order dated 14.5.2014 passed in Cr. Misc. No. 2974 of 2014. The petitioners do not carry any criminal antecedent.

Learned APP, on going through the case diary, is unable to point out any criminal antecedent against the petitioners and also that except the apprehension/suspicion, there is any tangible incriminating the petitioners in the alleged crime.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory 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 S.D.J.M., Birpur, Supaul in Raghopur P.S. Case No. 141 of 2013 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

- (i) One of the bailers shall be the own/close family members of the petitioners.
- (ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

Pankaj/- **(Kishore Kumar Mandal, J)**

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